

CITY OF MEMPHIS

COUNCIL REGULAR MEETING

Tuesday , November 3, 2020, 3:30 p.m.

SUPPORTING DOCUMENTS

ITEM #	DESCRIPTION	PAGE #
	PLANNING AND DEVELOPMENT Public Hearings & Ordinances <i>All Items Held Until November 17, 2020</i>	
1	RESOLUTION approving a special use permit located at 590 East Raines Road, containing 0.26 acre in the Commercial Mixed Use – 1 District. Case No. SUP 20-07	n/a
2	RESOLUTION approving a special use permit located at 5050 Summer Avenue, containing +/-0.7 acres in the Commercial Mixed Use – 3 (CMU-3) District. Case No. SUP 20-09	n/a
3	RESOLUTION approving a special use permit located at parts of 4704 Yale Road, containing 1.7 acres in the Commercial Mixed Use – 2 District. Case No. SUP 20-10	n/a
4	RESOLUTION approving a special use permit located at parts of 3372 Austin Peay Highway, containing 67 acres (whole parcel) in the Commercial Mixed Use – 2 District. Case No. SUP 20-13	n/a
	CONSENT AGENDA	
5	ORDINANCE No. 5764 amending Chapter 12 of the City of Memphis Code of Ordinances, so as to update the Code of Ordinances related to sidewalks, up for F I R S T reading.	1
7	RESOLUTION accepting JB HUNT (4640 S. MENDENHALL RD) and authorizing release of bond. (Contract No. CR-5305)	3
	FISCAL CONSENT AGENDA	
8	RESOLUTION accepting, allocating, and appropriating grant funds in the amount of \$9,035.00 from the State of Tennessee, Office of the Secretary of State, TN State Library and Archives (TSLA).. (Request for same night minutes)	5
	MLGW FISCAL CONSENT AGENDA	
9	RESOLUTION awarding Contract No. 12101, Credit Information Services to Experian, in the funded amount of \$451,278.00.	9
10	RESOLUTION to approve and ratify Contract No. 12235, Jaspersoft Reporting Software to TIBCO, in the amount not to exceed \$70,500.	13

NOTE—THE REFERENCES TO THE PAGE NUMBERS USED IN THE ABOVE TABLE FOR SEPARATE PACKAGES FOR ZONING PUBLIC HEARINGS AND ZONING ORDINANCES ARE THE PAGE NUMBERS USED IN THE SEPARATE PACKAGES FOR THOSE ITEMS

	(The term of this software subscription is for 3 years from the date of June 1, 2019.)	
11	RESOLUTION approving Change No. 3 to Contract No. 11976, Large Directional Drilling with Alliance Utilities, Incorporated, in the estimated funded amount of \$1,181,960.00.	15
12	RESOLUTION approving Change No. 3 to Contract No. 11945, Weld Testing and Inspection Services with AIT Inspection Services, in the funded amount of \$7,000.00.	17
13	RESOLUTION awarding Contract No.12188, Gas Leak Survey to Heath Consultants, Inc., in the funded amount of \$1,062,034.00.	19
14	RESOLUTION awarding Contract No.12187, Pole Inspection to Osmose Utilities Services, Inc., in the funded amount of \$5,153,760.00.	21
15	RESOLUTION awarding Contract No. 12173, No. 3 Filter Media Installation, to Landmark Construction General Contractor Inc., in the funded amount of \$159,162.00.	23
16	RESOLUTION approving Change No. 2 to Contract No. 12062, Environmental Abatement Services with General Construction Services, Incorporated in the funded amount of \$1,000,000.00.	25
17	RESOLUTION approving Change No. 2 to Contract No. 12034, Environmental Abatement Services with Northwest Contracting Services, Incorporated, in the funded amount of \$3,000,000.00	27
18	RESOLUTION amending Purchase Order Number 7020002 for paper lead cable, three single conductor to Universal Scaffold and Equipment, to cover the period from December 20, 2019 through December 20, 2022, for an additional amount of \$3,751,293.00.	29
19	RESOLUTION awarding Contract No. 12159, Online Training Provider, to Skillsoft Corporation, in the funded amount of \$64,069.70.	33
20	RESOLUTION awarding Contract No. 12216, UPS/PDU Electric Operations Maintenance, to Electronic Power Systems, Inc., in the funded amount of \$129,822.00.	35
	REGULAR AGENDA	
21	<p><u>APPOINTMENTS</u></p> <p><u>MEMPHIS ALCOHOL COMMISSION</u></p> <ul style="list-style-type: none"> • Claudette Boyd <p><u>CIVILIAN LAW ENFORCEMENT REVIEW BOARD</u></p> <ul style="list-style-type: none"> • Michael Lonesome-Etnyre • Asia Diggs Meador <p><u>MEMPHIS AND SHELBY COUNTY BUILDING CODE AUTHORITY</u></p> <ul style="list-style-type: none"> • Carlos Fifer • Meghan Medford 	37
22	ORDINANCE No. 5752 amending Chapter 2, Article I, Section 2-10-10, Subsection B, to require the Board of Ethics to establish an online portal to require Lobbyists to register annually and to file their state mandated disclosure statements with the City of Memphis, up for T H I R D and F I N A L reading. (Held from 6/16)	42

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	PURSUANT TO COUNCIL RULES THIS ITEM WILL BE HELD UNTIL NOVEMBER 17, 2020	
23	ORDINANCE No. 5763 amending and restating Chapter 25 of the City of Memphis, Code of Ordinances Governing the City Pension System up for T H I R D and F I N A L reading. PURSUANT TO COUNCIL RULES THIS ITEM WILL BE HELD UNTIL NOVEMBER 17, 2020	47
24	RESOLUTION appropriating \$2,863,363.56 of assigned fund balance for the purpose of meeting contractually obligated Capital expenditures for improvements to FedEx Forum. REQUEST FOR APPROVAL AS A FISCAL CONSENT ITEM	74
25	RESOLUTION accepting \$15,000,000.00 from the Tennessee Department of Environment and Conservation Clean Water State Revolving Loan Fund, SRF 2021-451, CIP Project #SW05001 for the City-wide sewer collection system assessment and rehabilitation program. REQUEST FOR APPROVAL AS A FISCAL CONSENT ITEM	76
26	RESOLUTION transferring and appropriating construction funds in the amount of \$1,616,303.00 to rehabilitate a flood control pump station on North Second Street near Marble Avenue funded by 95% Storm Water Revenue Bonds and 5% Sewer Capital PAY-GO. REQUEST FOR APPROVAL AS A FISCAL CONSENT ITEM	79
27	RESOLUTION transferring and appropriating construction funds in the amount of \$80,403.00 to rehabilitate a flood control pump station on North Second Street near Marble Avenue funded by 95% Storm Water Revenue Bonds and 5% Sewer. REQUEST FOR APPROVAL AS A FISCAL CONSENT ITEM	83
28	RESOLUTION removing the FY2021 Capital PAY GO funding source of \$30,000,000.00 and replace it with an allocation and appropriating of \$115,000,000.00 Revenue Bond Sewer Assessment and Rehab Project #SW05001. REQUEST FOR APPROVAL AS A FISCAL CONSENT ITEM	86
	Minutes of October 20, 2020 Regular Meeting	89

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ORDINANCE NO. 5764

ORDINANCE TO AMEND CHAPTER 12 OF THE CITY OF MEMPHIS CODE OF ORDINANCES SO AS TO UPDATE THE CODE OF ORDINANCES RELATED TO SIDEWALKS

WHEREAS, the process for sidewalk construction and maintenance has been established by Chapter 12 of the City of Memphis Code of Ordinances; and

WHEREAS, the Memphis City Council now wishes to further address the state of sidewalks within the City of Memphis, many of which are in need of repair, replacement, or caulking; and

WHEREAS, the Memphis City Council is of the belief that addressing the state of sidewalks, i.e., those in disrepair, will work to gradually improve the physical condition of our neighborhoods, and thus, the City as a whole; and

WHEREAS, Section 12-28-2 (D) of the City of Memphis Code of Ordinances states that “the *lot owner* shall assume the responsibility of installation, maintenance and repair of the required sidewalks along the lot frontage(s) upon occupying the structure on the lot.”; and

WHEREAS, in an effort to prevent current lot owners, who have failed to properly maintain their section of sidewalk, from passing their repair duties to subsequent purchasers, the Memphis City Council now wishes to require the inspection, and if necessary, repair, replacement, or caulking of sidewalks, driveway aprons, or inlets prior to closing on the property; and

WHEREAS, local municipalities have established similar measures, the Memphis City Council wishes to do the same, ultimately for the benefit of our citizens, and the betterment of our City.

NOW THEREFORE BE IT RESOLVED, (Additions underlined in bold italics and deletions identified with strikethrough)

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 12-28 of the City of Memphis Code of Ordinances is hereby amended to include Section 12-28-17 (A)-(H), which shall be titled and read as follows:

12-28-17. – Duty of property owners prior to closing.

- (A) It shall be the duty of the property owners of properties within the City of Memphis to keep the sidewalks, driveway aprons, and inlets abutting their property in good repair.**
- (B) Property owners who receive notice from the City Engineer, or his or her lawfully authorized representative, to repair, replace, or caulk sidewalks, driveway aprons, or inlets abutting their property must do so prior to closing on the property.**

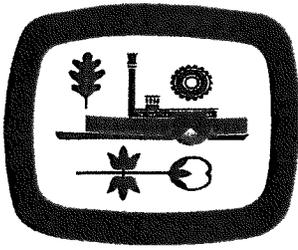
- (C) An arrangement, such as escrowing the bid amount for the required repair is acceptable.
- (D) A permit is required, at no cost, for any repair or replacement of the property owner's sidewalks, driveway aprons, and/or inlets.
- (E) No permit is required if inspection by the City Engineer, or his or her legally authorized representative, determines that only caulking is needed.
- (F) Repair or replacement of sidewalks, driveway aprons, or inlets shall not start without an approved permit.
- (G) A final inspection of the repair, replacement, and/or caulking is required prior to closing on the property.
- (H) Repair, replacement, or caulking of sidewalks, driveway aprons, or inlets should be conducted according to the provisions provided by Chapter 12-12, Chapter 12-24, and Chapter 12-28, except as specifically approved by the City Engineer.

SECTION 2. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 12-28 of the City of Memphis Code of Ordinances is hereby amended to include Section 12-28-18, which shall be titled and read as follows:

12-28-18. – Transfer of property.

The City Engineer, or his or her lawfully authorized representative, shall provide to the finance department a record of damaged sidewalks, driveway aprons, and inlets as they are inspected. Such notice shall be filed on the tax records for the property and will provide a notification of such to all parties requesting tax data during the sale or transfer of the property.

Sponsor:
Councilwoman Michalyn Easter-Thomas



City Council Item Routing Sheet

Division: City Council Committee: Budget Hearing Date: November 3, 2020

- Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other: [Click here to enter text.](#)

Item Description: **RESOLUTION** accepting JB Hunt (4640 S. Mendenhall Road) and authorizing release of the bond.

Resolution approves accepting the public improvements of JB Hunt (4640 S. Mendenhall Road) with the City of Memphis as shown on the engineering plans located at the intersection of East Shelby Drive and South Mendenhall Road in the northeast corner lot in the City of Memphis, Tennessee. Resolution also authorizes the release of Performance Bond No. 107070485 in the amount of \$258,300.00 held as security for the standard improvement contract.

Recommended Council Action: ADOPT THE RESOLUTION

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: **August 6, 2019; CR-5305**

Does this item require city expenditure? No

\$Click here to enter text.

\$Click here to enter text.

Source and Amount of Funds:

Approvals

Director WSE 10/20/20 Date _____

Division Chief _____ Date _____

Budget Manager _____ Date _____

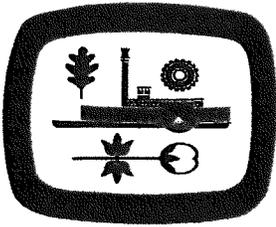
Chief Financial Officer _____ Date _____

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____



RESOLUTION accepting JB Hunt (4640 S. Mendenhall Road) and authorizing release of bond.

WHEREAS, JB Hunt Transport, Inc. is the Developer has completed the public improvement with the City of Memphis as shown on the engineering plans of **JB Hunt (4640 S. Mendenhall Road)** located at the intersection of East Shelby Drive and South Mendenhall Road in the northeast corner lot in the City of Memphis, Tennessee.

WHEREAS, all of the public improvements required by the standard improvement contract for the project are completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans of **JB Hunt (4640 S. Mendendhall Road), CR-5305** and the completion of the public improvements therein, be and the same are hereby accepted by the City.

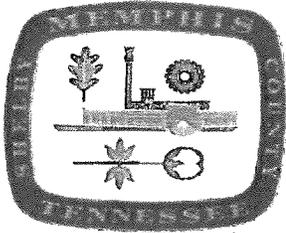
BE IT FURTHER RESOLVED that the Performance Bond No. 107070485 in the amount of \$258,300.00 held as security for the standard improvement contract is ordered released.

G069

Received

OCT 14 2020

Chief Administrative Office



City Council Item Routing Sheet

Library
Division: City Council Committee: Public Services, Youth Initiatives, Libraries and Neighborhoods
Hearing Date: November 3, 2020

RECEIVED
OCT 15 2020
Finance Division
Budget

- Ordinance
- Resolution
- Grant Acceptance
- Budget Amendment
- Commendation
- Other: Click here to enter text.

Item Description: Resolution amending the FY21 Operating Budget by accepting, allocating, and appropriating grant funds in the amount of Nine Thousand Thirty Five Dollars and Zero Cents (\$9,035.00) from the Tennessee State Library and Archives for technology equipment to deliver outreach programming at Memphis Public Libraries. These funds will benefit all City Council Districts.

Recommended Council Action: Adopt Resolution

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: No previous actions have been taking^{en} by any other entity. N/A

Does this item require city expenditure? Yes	Source and Amount of Funds:
\$9,035.00 Amount	\$9,035.00 Operating Budget
\$9,035.00 Revenue to be received	\$9,035.00 Federal Funds

Approvals

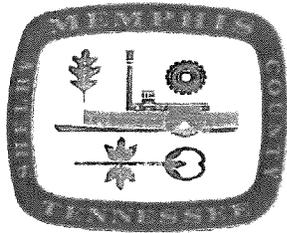
Director E. Kuma Date 10/14/20

Division Chief _____ Date _____ **Chief Operating Officer**

Budget Manager Kamekris Wyatt Date 10/19/2020 _____ Date 10/15/20

Chief Financial Officer S. [Signature] Date 10/20/2020 _____ **Council Committee Chair**

Chief Legal Officer _____ Date _____



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This item is a resolution that accepts, allocates and appropriates Nine Thousand Thirty Five Dollars and Zero Cents (\$9,035.00) in grant funds for the Memphis Public Library and Information Center's outreach technology equipment from the Office of the Secretary of State, Tennessee State Library and Archives. These funds will benefit all City Council Districts.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

The City of Memphis, Division of Library Services, Memphis Public Library & Information Center has drafted this resolution and is recommending City Council approval.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

N/A

4. State whether this requires a new contract, or amends an existing contract, if applicable.

The Amendment requires a new contract with the Office of the Secretary of the State, Tennessee State Library and Archives and the City of Memphis.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This program requires an FY21 budget amendment to accept, allocate and appropriate grant funds in the amount of Nine Thousand Thirty Five Dollars and Zero Cents (\$9,035.00) from the Office of the Secretary of the State, Tennessee State Library and Archives for the purchase of technology equipment.

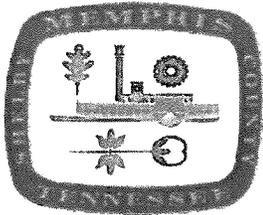
Certification of Signature

"I, E. Keenan McLaughlin, hereby certify that the faxed/electronic/copied signature below is my legally enforceable signature."

E Keenan
Signature

Director of Libraries
Title

10/14/2020
Date



A Resolution to accept, allocate and appropriate grant funds in the amount of Nine Thousand Thirty Five Dollars and Zero Cents (\$9035.00) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives (TSLA).

WHEREAS, the City of Memphis, Division of Library Services, Memphis Public Library & Information Center has received grant funds in the amount of Nine Thousand Thirty Five Dollars and Zero Cents (\$9035.00) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives; and

WHEREAS, these funds will be used to purchase technology equipment for outreach programming; and

WHEREAS, matching funds for the technology equipment will come from the Memphis Public Library & Information Center's Operating Budget; and

WHEREAS, it is necessary to accept, allocate, and appropriate the grant funds in the amount of Nine Thousand Thirty Five Dollars and Zero Cents (\$9035.00) for technology equipment to deliver outreach programming in every City Council District; and

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Memphis that grant funds in the amount of Nine Thousand Thirty Five Dollars and Zero Cents (\$9035.00) to purchase technology equipment for outreach programming be accepted by the City of Memphis;

BE IT FURTHER RESOLVED, that the FY21 Operating Budget be and is hereby amended by allocating and appropriating the revenues and expenditures for technology equipment in the amount of Nine Thousand Thirty Five Dollars and Zero Cents (\$9035.00) as follows:

Revenue

Tennessee State Library and Archives

Federal Funds

\$9,035.00

TOTAL

\$9,035.00

Expenditures

Technology Equipment

\$9,035.00

TOTAL

\$9,035.00

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 21, 2020, awarded Contract No. 12101, Credit Information Services to Experian, in the amount of \$451,278.00, and is now recommending to the Council of the City of Memphis that it approves said award as proposed; and

WHEREAS, the project scope is to provide credit and related information services to assess residential and commercial scoring, providing instantaneous identity verification and credit decisions at the new service application stage, monitor and receive instant verification of credit statuses, receive instant fraud alerts/safe scan warnings, positive identification; and assist with legal compliance, collections, and other related activities.

WHEREAS, the Request for Proposal was advertised using MLGW's On-Line Bid Notification System on February 18, 2020. MLGW solicited three (3) companies; and received two (2) proposals on April 14, 2020 with the most responsive proposal being from Experian in the amount of \$451,278.00. Proposals were evaluated on the following criteria: 1) Price; 2) Interview/Product Demonstration; 3) Fraud alerts and detection; 4) Application Scoring for residential and commercial accounts; 5) Past experience with other utility companies; 6) Period of installation and testing; 7) Credit Clearance process; 8) Dispute Resolution process; 9) Skip traces/finder; 10) Contingency plan for down time; 11) Monthly Reports; and 12) Responsiveness. The term of this contract is for 60 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies; and

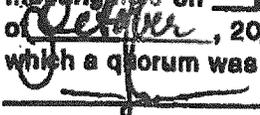
NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12101, Credit Information Services to Experian, in the amount of \$451,278.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 21, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12101, Credit Information Services to Experian, in the funded amount of \$451,278.00.

The project scope is to provide credit and related information services to assess residential and commercial scoring, providing instantaneous identity verification and credit decisions at the new service application stage, monitor and receive instant verification of credit statuses, receive instant fraud alerts/safe scan warnings, positive identification; and assist with legal compliance, collections, and other related activities.

The Request for Proposal was advertised using MLGW's On-Line Bid Notification System on February 18, 2020. MLGW solicited three (3) companies; and received two (2) proposals on April 14, 2020 with the most responsive proposal being from Experian in the amount of \$451,278.00. Proposals were evaluated on the following criteria: 1) Price; 2) Interview/Product Demonstration; 3) Fraud alerts and detection; 4) Application Scoring for residential and commercial accounts; 5) Past experience with other utility companies; 6) Period of installation and testing; 7) Credit Clearance process; 8) Dispute Resolution process; 9) Skip traces/finder; 10) Contingency plan for down time; 11) Monthly Reports; and 12) Responsiveness. The term of this contract is for 60 months from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular ~~meeting~~ meeting held on 21st of day of October, 2020 at which a quorum was present.

Secretary-Treasurer

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12101 Credit Information Services to Experian, in the funded amount of \$451,278.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President or his designated representative is authorized to execute the Award.

CITY COUNCIL RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 21, 2020 approved Contract No. 12235 Jaspersoft Reporting Software subscription with TIBCO in the funded not-to-exceed amount of \$70,500, and is now recommending to the Council of the City of Memphis that it approves said change and renewal as approved; and

WHEREAS, the project scope is to provide TIBCO Jaspersoft software, which is a customizable business intelligence (BI) platform that is being used to design and manage reports & dashboard analytics in the Customer Information System (CIS). The term of this software subscription is for 3 years from the date of June 1, 2019. The contract value is \$70,500.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Contract No. 12235 Jaspersoft Reporting Software subscription with TIBCO in the funded not-to-exceed amount of \$70,500 as approved.

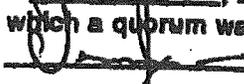
EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 21, 2020

The Vice President and Chief Information Officer recommends to the Board of Light, Gas and Water Commissioners the approval and ratification of Contract No. 12235 Jaspersoft Reporting Software subscription with TIBCO in the funded not-to-exceed amount of \$70,500. The project scope is to provide TIBCO Jaspersoft software, which is a customizable business intelligence (BI) platform that is being used to design and manage reports & dashboard analytics in the Customer Information System (CIS). The term of this software subscription is for 3 years from the date of June 1, 2019.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, Contract No. 12235 Jaspersoft Reporting Software subscription with TIBCO in the funded not-to-exceed amount of \$70,500, as outlined in the above preamble, is approved and ratified; and further

THAT, the President or his designated representative is authorized to execute.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-~~special~~ meeting held on 21st day of October, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the board of Light, Gas and Water Commissioners in their meeting October 21, 2020 approved Change No. 3 to Contract No. 11976, Large Directional Drilling with Alliance Utilities, Incorporated to renew the current contract in the estimated funded amount of \$1,181,960.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to perform large diameter directional boring services on an as-needed basis on the natural gas system throughout Memphis and Shelby County. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to renew the current contract for the third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the amount of \$2,290,500.00; of which \$1,108,540.00 will be absorbed in the current contract value, based on estimated quantities, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$4,612,360.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 11976, Large Directional Drilling with Alliance Utilities, Incorporated to renew the current contract in the estimated funded amount of \$1,181,960.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 21, 2020

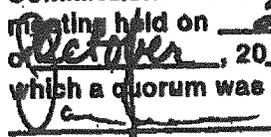
The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 11976, Large Directional Drilling with Alliance Utilities, Incorporated to renew the current contract in the estimated funded amount of \$1,181,960.00.

The project scope is to perform large diameter directional boring services on an as-needed basis on the natural gas system throughout Memphis and Shelby County. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to renew the current contract for the third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the amount of \$2,290,500.00; of which \$1,108,540.00 will be absorbed in the current contract value, based on estimated quantities, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$4,612,360.00.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to consent and approval of the Council of the City of Memphis, the approval of Change No. 3 to Contract No. 11976, Large Directional Drilling with Alliance Utilities, Incorporated to renew the current contract in the estimated funded amount of \$1,181,960.00, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular ~~special~~ meeting held on 21st day of October, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 21, 2020 approved Change No. 3 to Contract No. 11945, Weld Testing and Inspection Services with AIT Inspection Services to renew the current contract in the funded amount of \$7,000.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to conduct weld testing, inspections, equipment testing/calibration and qualification procedures to ensure MLGW is in accordance with the required federal and state welding regulations. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to renew the current contract for the third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the amount of \$44,625.00; of which \$37,625.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$77,625.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 3 to Contract No. 11945, Weld Testing and Inspection Services with AIT Inspection Services to renew the current contract in the funded amount of \$7,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 21, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 3 to Contract No. 11945, Weld Testing and Inspection Services with AIT Inspection Services to renew the current contract in the funded amount of \$7,000.00.

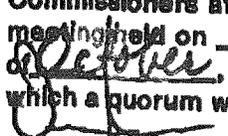
The project scope is to conduct weld testing, inspections, equipment testing/calibration and qualification procedures to ensure MLGW is in accordance with the required federal and state welding regulations. The initial term of this contract was for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This change is to renew the current contract for the third of four (4) annual renewal terms for the period covering January 1, 2021 through December 31, 2021 in the amount of \$44,625.00; of which \$37,625.00 will be absorbed in the current contract value, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$77,625.00.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 3 to Contract No. 11945, Weld Testing and Inspection Services with AIT Inspection Services to renew the current contract in the funded amount of \$7,000.00, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular ~~special~~ meeting held on 21st day of October, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 21, 2020, awarded Contract No. 12188, Gas Leak Survey to Heath Consultants, Inc., in the funded amount of \$1,062,034.00, and is now recommending to the Council of the City of Memphis that it approve said award as approved; and

WHEREAS, the project scope is to furnish supervision, labor, transportation and equipment to perform gas leak survey of MLGW's natural gas facilities throughout Memphis and Shelby County, Tennessee as per 49 CFR Part 192 subpart "M" and MLGW's General Operating and Maintenance procedures for the natural gas system.

WHEREAS, the Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on June 5, 2020. MLGW solicited nine (9) bids; and received two (2) bids on June 30, 2020, with the lowest and best bid being from Heath Consultants, Inc. in the amount of \$1,062,034.00. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12188, Gas Leak Survey to Heath Consultants, Inc., in the funded amount of \$1,062,034.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 21, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12188, Gas Leak Survey to Heath Consultants, Inc., in the funded amount of \$1,062,034.00.

The project scope is to furnish supervision, labor, transportation and equipment to perform a gas leak survey of MLGW's natural gas facilities throughout Memphis and Shelby County, Tennessee as per 49 CFR Part 192 subpart "M" and MLGW's General Operating and Maintenance Procedures for the natural gas system.

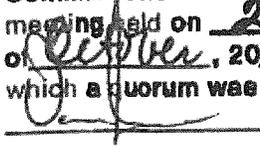
The Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on June 5, 2020. MLGW solicited nine (9) bids; and received two (2) bids on June 30, 2020. The lowest and best bid was from Heath Consultants, Inc. in the amount of \$1,062,034.00. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No 12188, Gas Leak Survey to Heath Consultants, Inc., in the funded amount of \$1,062,034.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-~~meeting~~ meeting held on 21st day of October, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 21, 2020, awarded Contract No. 12187, Pole Inspection to Osmose Utilities Services, Inc., in the funded amount of \$5,153,760.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to perform inspection and treatment of wood poles, including but not limited to primary poles, lift poles, and street light poles located on the Memphis Light, Gas and Water Electric Distribution System.

WHEREAS, the Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on June 2, 2020. MLGW solicited ten (10) bids; and received two (2) bids on June 23, 2020. The lowest and best bid was from Osmose Utilities Services, Inc. in the amount of \$5,153,760.00. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12187, Pole Inspection to Osmose Utilities Services Inc., in the funded amount of \$5,153,760.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 21, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12187, Pole Inspection to Osmose Utilities Services Inc., in the funded amount of \$5,153,760.00.

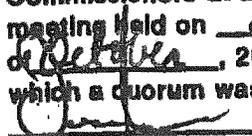
The project scope is to perform inspection and treatment of wood poles, including but not limited to primary poles, lift poles, and street light poles located on the Memphis Light, Gas and Water Electric Distribution System.

The Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on June 2, 2020. MLGW solicited ten (10) bids; and received two (2) bids on June 23, 2020. The lowest and best bid was from Osmose Utilities Services, Inc. in the amount of \$5,153,760.00. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No 12187, Pole Inspection to Osmose Utilities Services, Inc., in the funded amount of \$5,153,760.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-~~special~~ meeting held on 21st day of October, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 21, 2020, awarded Contract No. 12173, No. 3 Filter Media Installation to Landmark Construction General Contractor Inc., in the funded amount of \$159,162.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to clean and replace the filter underdrain tile system, replace flume blocks and provide installation of new filtration support gravel, media, and appurtenances pursuant to the latest versions of ANSI/AWWAB100 Standard for Granular Filter Material and TDEC's Division of Water Supply Rules and Design Criteria for Public Water Systems to provide an effective high rate filtration of well water at MLGW's McCord Pumping Station located at 6230 Summer Avenue, Memphis, TN 38134.

WHEREAS, the Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on April 29, 2020. MLGW solicited seven (7) bids; and received two (2) bids on June 16, 2020. The lowest and best bid was from Landmark Construction General Contractor Inc. in the amount of \$159,162.00. The term of this contract is for twelve (12) months from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12173, No. 3 Filter Media Installation to Landmark Construction General Contractor Inc., in the funded amount of \$159,162.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 21, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12173, No. 3 Filter Media Installation to Landmark Construction General Contractor Inc., in the funded amount of \$159,162.00.

The project scope is to clean and replace the filter underdrain tile system, replace flume blocks and provide installation of new filtration support gravel, media, and appurtenances pursuant to the latest versions of ANSI/AWWAB100 Standard for Granular Filter Material and TDEC's Division of Water Supply Rules and Design Criteria for Public Water Systems to provide an effective high rate filtration of well water at MLGW's McCord Pumping Station located at 6230 Summer Avenue, Memphis, TN 38134.

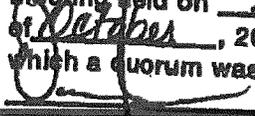
The Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on April 29, 2020. MLGW solicited seven (7) bids; and received two (2) bids on June 16, 2020. The lowest and best bid was from Landmark Construction General Contractor Inc. in the amount of \$159,162.00. The term of this contract is for twelve (12) months from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No 12173, No. 3 Filter Media Installation to Landmark Construction General Contractor Inc., in the funded amount of \$159,162.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 21st day of October, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 21, 2020 approved Change No. 2 to Contract No. 12062, Environmental Abatement Services with General Construction Services, Incorporated to renew the current contract in the funded amount of \$1,000,000.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, project scope is to provide environmental abatement services applicable to MLGW facilities and operations on an as-needed basis. The initial term of the contract was for one (1) year from the date of the Notice to Proceed with the option of four (4) annual renewals. This change is to renew the current contract for the second of four (4) annual renewal terms covering the period January 1, 2021 through December 31, 2021 in the funded amount of \$1,000,000.00, with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$2,500,000.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12062, Environmental Abatement Services with General Construction Services, Incorporated to renew the current contract in the funded amount of \$1,000,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 21, 2020

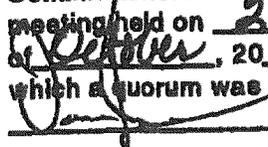
The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12062, Environmental Abatement Services with General Construction Services, Incorporated to renew the current contract in the funded amount of \$1,000,000.00.

The project scope is to provide environmental abatement services applicable to MLGW facilities and operations on an as-needed basis. The initial term of the contract was for one (1) year from the date of the Notice to Proceed with the option of four (4) annual renewals. This change is to renew the current contract for the second of four (4) annual renewal terms covering the period January 1, 2021 through December 31, 2021 in the funded amount of \$1,000,000.00, with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$2,500,000.00.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12062, Environmental Abatement Services with General Construction Services, Incorporated to renew the current contract in the funded amount of \$1,000,000.00, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-~~special~~ meeting held on 21st day of October, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 21, 2020 approved Change No. 2 to Contract No. 12034, Environmental Abatement Services with Northwest Contracting Services, Incorporated to renew the current contract in the funded amount of \$3,000,000.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, project scope is to provide environmental abatement services applicable to MLGW facilities and operations on an as-needed basis. The initial term of the contract was for one (1) year from the date of the Notice to Proceed with the option of four (4) annual renewals. This change is to renew the current contract for the second of four (4) annual renewal terms covering the period January 1, 2021 through December 31, 2021 in the funded amount of \$3,000,000.00, with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$4,500,000.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12034, Environmental Abatement Services with Northwest Contracting Services, Incorporated to renew the current contract in the funded amount of \$3,000,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 21, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12034, Environmental Abatement Services with Northwest Contracting Services, Incorporated to renew the current contract in the funded amount of \$3,000,000.00.

The project scope is to provide environmental abatement services applicable to MLGW facilities and operations on an as-needed basis. The initial term of the contract was for one (1) year from the date of the Notice to Proceed with the option of four (4) annual renewals. This change is to renew the current contract for the second of four (4) annual renewal terms covering the period January 1, 2021 through December 31, 2021 in the funded amount of \$3,000,000.00, with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$4,500,000.00.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12034, Environmental Abatement Services with Northwest Contracting Services, Incorporated to renew the current contract in the funded amount of \$3,000,000.00, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 21st day of October, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 21, 2020 approved the amendment of Purchase Order Purchase Order Number 7020002 issued to Universal Scaffold and Equipment for paper lead cable, three single conductor and is now recommending to the Council of the City of Memphis that it approves said amendment as approved in the 2021 fiscal year budget contingent upon approval; and

WHEREAS, on November 20, 2019, the Board awarded a contract to Universal Scaffold and Equipment, LLC to provide five items of paper lead cable, three single conductor for thirty-six months, to cover the period from December 20, 2019 through December 20, 2022. Universal sent correspondence on September 2, 2020 that an error was made in the calculations used to determine the unit prices for the items on PO 7020002. The prices submitted by Universal for the Okonite cable were in linear feet instead of circuit feet. The cables on PO 7020002 are all circuit cables with three single conductor cables corded in parallel. The adjustment from linear feet to circuit feet will decrease the length by a factor of three and increase the price by a factor of three. All three suppliers that submitted a RFQ for the paper lead cable, three single conductor received pricing from Okonite. Therefore, all three suppliers received incorrect pricing for this cable. Okonite is currently the only manufacturer of paper lead cable that meets MLGW's specifications. Upon approval of the amendment the total award amount for thirty-six (36) months is \$5,780,230.00. This amendment complies with all applicable laws and policies; and

Now **THEREFORE BE IT RESOLVED** by the Council of the City of Memphis that an amendment to increase the value of Purchase Order Number 7020002 with Universal Scaffold and Equipment for paper lead cable, three single conductor in the amount of \$1,875,646.50 chargeable to the MLGW 2021 fiscal year budget contingent upon approval and the balance of \$1,875,646.50 chargeable to subsequent budget years as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 21, 2020

The Manager of Procurement and Contracts request approval of the Board of Light, Gas and Water Commissioners to amend the award of Purchase Order Number 7020002 to Universal Scaffold and Equipment for an additional amount of \$3,751,293.00 for paper lead cable, three single conductor.

On November 20, 2019, the Board awarded a contract to Universal Scaffold and Equipment to provide five items of paper lead cable, three single conductor for thirty-six months, to cover the period from December 20, 2019 through December 20, 2022. Universal sent correspondence on September 2, 2020 that an error was made in the calculations used to determine the unit prices for the items on PO 7020002. The prices submitted by Universal for the Okonite cable were in linear feet instead of circuit feet. The cables on PO 7020002 are all circuit cables with three single conductor cables corded in parallel. The adjustment from linear feet to circuit feet will decrease the length by a factor of three and increase the price by a factor of three. All three suppliers that submitted a RFQ for the paper lead cable, three single conductor received pricing from Okonite. Therefore, all three suppliers received incorrect pricing for this cable. Okonite is currently the only manufacturer of paper lead cable that meets MLGW's specifications. Upon approval of the amendment the total award amount for thirty-six (36) months is \$5,780,230.00. This amendment complies with all applicable laws and policies.

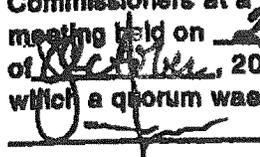
Contingent upon approval of the 2021 fiscal year budget, the budgeted amount for Planned Maintenance is \$9,676,000.00; of which \$1,875,646.50 will be spent on this purchase order in 2021; leaving a balance of \$7,800,353.50 after award; the balance of \$1,875,646.50 to be spent from subsequent budget years as approved; and

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, the approval of amendment to PO 7020002 in the amount of \$3,751,293.00 for the paper lead cable, three single conductors listed on the noted purchase order;

THAT, the total amount of the award is \$5,780,230.00 to Universal Scaffold and Equipment, LLC for thirty-six months.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a ~~regular-special~~ meeting held on 21st day of December, 2020, at which a quorum was present.


Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 21, 2020, awarded Contract No. 12159 Online Training Provider to Skillsoft Corporation, in the funded amount of \$64,069.70, and is now recommending to the Council of the City of Memphis that it approves said award as proposed; and

WHEREAS, the project scope is to provide and deliver web-based, self-paced, e-learning training classes. These e-learning classes must be designed to support professional development and enhance the knowledge, skills, and abilities of MLGW employees.

WHEREAS, the Request for Proposal was advertised using MLGW's On-Line Bid Notification System on July 15, 2020. MLGW solicited fifteen (15) companies; and received two (2) proposals on August 14, 2020 with the most responsive proposal being from Skillsoft Corporation in the amount of \$64,069.70. Proposals were evaluated on the following criteria: 1) Administrative Tools; 2) Assessment/Evaluation; 3) Content; 4) Functionality; and 5) Pricing. The term of this contract is for sixty (60) months from the date of the Notice to Proceed. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12159 Online Training Provider to Skillsoft Corporation, in the funded amount of \$64,069.70 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 21, 2020

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12159 Online Training Provider to Skillsoft Corporation, in the funded amount of \$64,069.70.

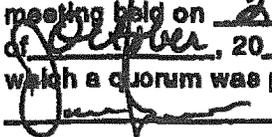
The project scope is to deliver web-based, self-paced, e-learning training classes. These e-learning classes must be designed to support professional development and enhance the knowledge, skills, and abilities of MLGW employees.

The Request for Proposal was advertised using MLGW's On-Line Bid Notification System on July 15, 2020. MLGW solicited fifteen (15) companies; and received two (2) proposals on August 14, 2020 with the most responsive proposal being from Skillsoft Corporation in the amount of \$64,069.70. Proposals were evaluated on the following criteria: 1) Administrative Tools; 2) Assessment/Evaluation; 3) Content; 4) Functionality; and 5) Pricing. The term of this contract is for sixty (60) months from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12159 Online Training Provider to Skillsoft Corporation, in the funded amount of \$64,069.70, as outlined in the foregoing preamble, is approved and further,

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a ~~regular~~ ~~special~~ meeting held on 21st day of October, 2020, at which a quorum was present.

Secretary-Treasurer

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of October 21, 2020, awarded Contract No. 12216, UPS/PDU Electric Operations Maintenance to Electronic Power Systems, Inc., in the funded amount of \$129,822.00, and is now recommending to the Council of the City of Memphis that it approve said award as approved; and

WHEREAS, the project scope is to allow Electronic Power Systems, Inc. as a sole source provider to provide 24/7, 365 preventative maintenance, emergency services, parts and labor for uninterruptable power supplies and related services. MLGW is requesting approval of this sole source award, which can only be provided by Electronic Power Systems, Inc. due to being the only local company whose factory is authorized and trained by Mitsubishi to perform maintenance on this acquired equipment. The term of this contract is sixty (60) months from the date of the Notice to Proceed in the funded amount of \$129,822.00. Maintenance will be paid annually; annual price for year (1) and year two (2) is \$23,226.00; annual price for years three (3) through five (5) is \$27,790.00. This sole source award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12216, UPS/PDU Electric Operations Maintenance to Electronic Power Systems, Inc., in the funded amount of \$129,822.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 21, 2020

The Manager of Procurement and Contracts has recommended to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12216, UPS/PDU Electric Operations Maintenance to Electronic Power Systems Inc., in the funded amount of \$129,822.00.

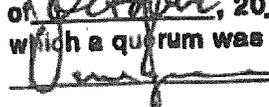
The project scope is to allow Electronic Power Systems, Inc. as a sole source provider to provide 24/7, 365 preventative maintenance, emergency services, parts and labor for uninterruptable power supplies and related services. MLGW is requesting approval of this sole source award, which can only be provided by Electronic Power Systems, Inc. due to being the only local company whose factory is authorized and trained by Mitsubishi to perform maintenance on this acquired equipment. The term of this contract is sixty (60) months from the date of the Notice to Proceed in the funded amount of \$129,822.00. Maintenance will be paid annually; annual price for year (1) and year two (2) is \$23,226.00; annual price for years three (3) through five (5) is \$27,790.00. This sole source award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No 12216, UPS/PDU Electric Operations Maintenance to Electronic Power Systems, Inc., in the funded amount of \$129,822.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 21st day of October, 2020, at which a quorum was present.


Secretary-Treasurer

October 13, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

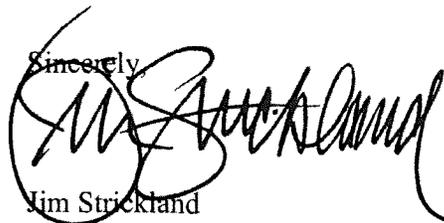
Subject to Council approval, I hereby recommend that:

Claudette Boyd

be appointed to the Memphis Alcohol Commission with a term expiring December 31, 2022.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

October 13, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

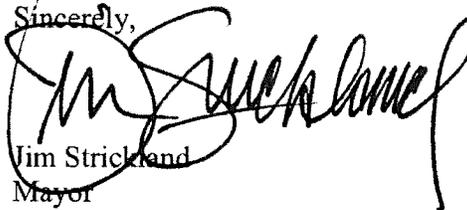
Subject to Council approval, I hereby recommend that:

Michael Lonesome-Etnyre

be appointed to the Civilian Law Enforcement Review Board with a term expiring June 14, 2023.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

October 13, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

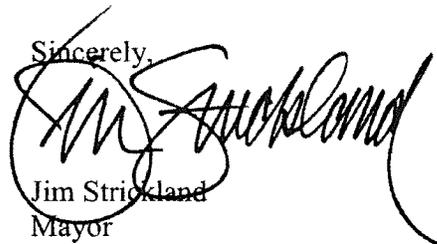
Subject to Council approval, I hereby recommend that:

Asia Diggs Meador

be appointed to the Civilian Law Enforcement Review Board with a term expiring June 14, 2023.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

October 13, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

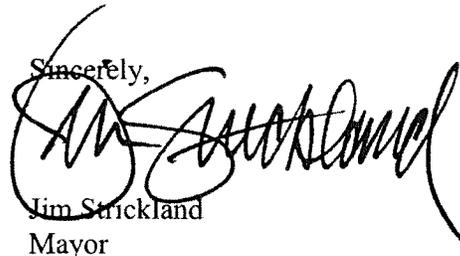
Subject to Council approval, I hereby recommend that:

Carlos Fifer

be appointed to the Memphis & Shelby County Building Code Authority with a term expiring September 15, 2023.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members



JIM STRICKLAND
MAYOR

TENNESSEE

October 13, 2020

The Honorable Chase Carlisle, Chairman
Personnel Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

Meghan Medford

be appointed to the Memphis & Shelby County Building Code Authority with a term expiring September 15, 2022.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

ORDINANCE No. 5752

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE I, SECTION 2-10-10, SUBSECTION B, TO REQUIRE THE BOARD OF ETHICS TO ESTABLISH AN ONLINE PORTAL TO REQUIRE LOBBYISTS TO REGISTER ANNUALLY AND TO FILE THEIR STATE MANDATED DISCLOSURE STATEMENTS WITH THE CITY OF MEMPHIS

WHEREAS, T.C.A. § 3-6-301(15) and (17), requires persons who communicate, directly or indirectly, with state government officials for the purpose of influencing action by the official for compensation, to register, each calendar year, with the Tennessee Ethics Commission; and

WHEREAS, regulating lobbying activities also helps to ensure local governmental transparency and thereby fosters public confidence in elected and appointed officers and government employees; and

WHEREAS, the possibility of special interests privately influencing decision makers outside of the public purview undermines the people's confidence that their City officials serve the broader public interest; and

WHEREAS, the Memphis City Council recognizes that First Amendment Rights must be safeguarded and endeavors to do so in all circumstances, including ensuring the public is aware of lobbyists; and

WHEREAS, since lobbying is a constitutional right, this ordinance is intended to both promote public confidence through transparency and respect individual rights; and

WHEREAS, establishing an online portal to require lobbyists to register annually and to file their state mandated disclosure statements with the City of Memphis will enhance a robust, inclusive and transparent public process; and

WHEREAS, in order to increase transparency regarding lobbyists, it is in the best interests of the City to make the information regarding lobbyists available to the public in more locatable places.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

BE IT FURTHER ORDAINED that the Board of Ethics is required to establish an online portal to mandate paid lobbyists to register annually and to file their state mandated disclosure statements with the City of Memphis to help promote transparency within the City of Memphis.

BE IT FURTHER ORDAINED that CHAPTER 2, ARTICLE I, SECTION 2-10-10, SUBSECTION B shall be amended by adding the following language:

Chapter 2, Article I, Section 2-10-10, subsection B (9):

9. To establish an online portal to require lobbyists to register annually and to file their state mandated disclosure statements with the City of Memphis.

Section 1. Short Title

This Ordinance shall be known as "Regulating Lobbying"

Sections 2. Purpose

The purpose of "Regulating Lobbying" is to

- A. Effectuate the people's right to monitor their government's work and thereby ensure that it functions to promote the general welfare;
- B. Preserve the right of individuals, groups and entities to petition and influence their government and thereby advance their own interests.

Sections 3. Definitions

For purposes of this chapter, the following definitions shall apply.

- (a) City Official means all full-time and part-time elected or appointed officers and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the city.
- (b) Client means any person, entity, organization or group that compensates a lobbyist for lobbying or on whose behalf compensated lobbying occurs.
- (c) Contact or Contacting means any direct or indirect communication with a City Official, undertaken by any means, oral, written or electronic, including, but not limited to, through an agent, associate or employee and undertaken in any context, including at a public meeting.
- (d) Compensation or Compensated means any salary, fee, payment, reimbursement or other valuable consideration, or any combination thereof, whether received or to be received; however, "compensation" does not include the salary or reimbursement of an individual whose lobbying is incidental to that person's regular employment.
- (e) Lobbying or Lobbying Activity means influencing or attempting to influence a City Official with regard to a legislative or administrative action of the City.
- (f) Lobbyist means any person who engages in lobbying for compensation.

Section 4. Exemptions

The following are exempt from the requirements of this chapter:

- (a) Public official acting in their official capacities;
- (b) Persons engaged in creating, publishing or broadcasting news items, editorials, commentaries and similar communications;
- (c) Those whose attempts to influence government action are limited to appearing at public meetings or preparing, processing, or submitting writings for consideration or use at public meetings if their communications are part of the public record;
- (d) City employees and contractors providing reports or recommendations to City Officials as part of their work for the City;
- (e) Persons representing themselves attempting to obtain decisions relating to their own properties or businesses;
- (f) Anyone submitting a bid or proposal for a City contract or negotiating the terms of a City contract for goods or services;
- (g) Persons lodging "whistleblower" complaints with the City;

- (h) Persons who meet with the City Attorney or City Clerk regarding any claim or litigation matter;
- (i) Persons whose communications relate solely to a memorandum of understanding or collective bargaining agreement between the City and an employee organization;
- (j) Communications about solely ministerial actions of the City or City enforcement actions;

Section 5. Registration Requirement

A lobbyist shall register online annually with the Board of Ethics within five (5) business days of becoming a lobbyist by filing the lobbyist registration form. The lobbyist shall include in the registration the names of all clients for whom he is lobbying the city and the specific issues about which he is lobbying, and shall thereon disclose:

- (a) name;
- (b) business street and mailing address;
- (c) e-mail address;
- (d) telephone number;
- (e) the names of all owners of the lobbyist's business if the business is a sole proprietorship or partnership of less than 5 members;
- (f) a description of the nature of the business entity or organization;
- (g) the name, business address and phone number of each client receiving lobbying services;
- (h) the nature of each client's business;
- (i) a brief description of the governmental decision that the lobbyist seeks to influence on each client's behalf;
- (j) the name of each person employed or retained by the lobbyist to engage in lobbying activities on each client's behalf.

Section 6. File State Mandated Disclosure Statements

A. A lobbyist shall file and attach state mandated disclosure statements to registration annually or at any time a lobbyists' state mandated disclosure statements are updated with the Tennessee Ethics Commission.

B. Records pertaining to the registration and annual reports must be preserved by the lobbyist for inspection and audit by the City for a period of five years from the date of production.

Section 7. Prohibitions

A lobbyist shall not do any of the following:

- (a) Intentionally deceive or attempt to deceive a City Official as to any material fact pertinent to any proposed or pending Governmental Decision;
- (b) Act or refrain from acting with the purpose and intent of placing any City Official under personal obligation to the lobbyist;

- (c) Cause or influence the introduction of any ordinance, resolution, appeal, application, petition or amendment thereto for the purpose of thereafter being employed as a lobbyist to secure its granting denial confirmation, rejection, passage or defeat;
- (d) Cause any communication to be sent to a City Official in the name of a fictitious person, group or entity or in the name of a real person, group or entity without their consent;
- (e) Represent directly or indirectly that the lobbyist can control or obtain a vote or action of any City Official.

Section 8. Lobbyist Registration Fees

A lobbyist's annual registration fee is hereby established to be set and periodically adjusted by City Council resolution in an amount sufficient to cover the costs of administering this Chapter.

Section 9. Fine and Penalties.

- (a) 1st Violation – \$
- (b) 2nd Violation – \$
- (c) 3rd Violation - \$... and censure from the Council with a ban from Lobbying Activities for a period not to exceed one (1) year.

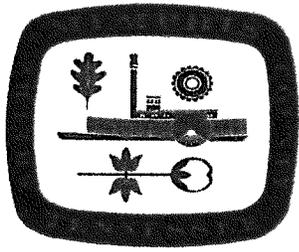
SECTION 1: The City of Memphis Board of Ethics is hereby directed to take the necessary action to provide an online portal to require lobbyists to register annually and file their state mandated disclosure statements with the City of Memphis.

SECTION 2. Severability. The provision of this ordinance is hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this ordinance shall continue in full force and effect.

SECTION 3. Effective date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Sponsors: Chase Carlisle
Worth Morgan

Patrice Robinson
Memphis City Council Chairwoman



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.) Amendments to the Memphis Retirement System. Copy of amendments attached**
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.) Division of Human Resources and Finance**
- 3. State whether this is a change to an existing ordinance or resolution, if applicable. Yes, these amendments are to the existing Memphis Retirement System ordinances comprising the plan document**
- 4. State whether this requires a new contract, or amends an existing contract, if applicable. No new contract is required**
- 5. State whether this requires an expenditure of funds/requires a budget amendment. Funds required for these amendments are provided through the referendum adopted last November**

ORDINANCE # 5763

ORDINANCES TO AMEND CHAPTER 25
OF THE CITY OF MEMPHIS CODE OF ORDINANCES
GOVERNING THE CITY PENSION SYSTEM

WHEREAS, the City of Memphis, Tennessee (the "City") has adopted a pension system for general employees as well as police officers and firefighters known as the City of Memphis Retirement System, as amended and restated from time to time, consisting of a 1948 plan (that part of the system benefiting employees participating under the provisions of sections 25-60 through 25-99) and a 1978 plan (that part of the system benefiting employees participating under the provisions of sections 25-160 through 25-199) as amended in 2012; and a 2016 plan (that part of the system benefiting employees participating under the provisions of sections 25-210 through 25-274), currently established under City Ordinance Chapter 25, Articles I through VII, Divisions 1, 2 and 3 (collectively, "the Pension System"); and

WHEREAS, in order to protect the Pension System's actuarial soundness and ensure the long-term financial viability of the Pension System, and to ensure compliance with required provisions of the federal Internal Revenue Code governing employee benefit plans of governmental employers, as well as to make certain clarifying amendments to existing language it is necessary that the Pension System be further amended as set forth herein;

NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the Pension System shall be amended as follows:

1. Sec. 25-1(4) shall be amended and restated in its entirety to read as follows:

4. *Average monthly compensation* means:

a. *1948 plan*:

- i. For each participant, the average monthly compensation, (excluding and disregarding any hiatus in the participant's employment by the city) for his or her five consecutive years of service for which such compensation was the highest. If his or her average monthly compensation for the 12 months next preceding the date of his or her retirement exceeds the average of his or her highest five consecutive years' compensation, then his or her average monthly compensation shall be based upon the 12-month period next preceding the date of his or her

retirement, and in the case of death or disability incurred by a participant in the performance of duties before he or she has five consecutive years of service, his or her average monthly compensation shall be the average monthly rate of compensation during all his or her years of service.

- ii. While in the armed services and receiving years of service credit as provided under subsection (44)(g) of this section, a participant's compensation for purposes of this subsection shall be deemed to be his or her rate of base compensation as a city employee in effect at the time he or she entered the armed services.
- iii. For any police officer or firefighter credited with 30 or more years of service, and eligible for automatic promotion to captain or comparable rank in the police or fire divisions of the city under Charter Section 67, his or her average monthly compensation shall be the current monthly base compensation of a captain or comparable rank in the police or fire divisions of the city as of the date of his or her retirement, plus any shift premium pay, hazardous premium pay, holiday pay, longevity pay and incentive pay, excluding overtime pay, earned during the immediately preceding 12 months.

b. *1978 plan:*

- i. For each participant hired prior to July 1, 2012, the average monthly compensation, (excluding and disregarding any hiatus in the participant's employment by the city) for his or her five consecutive years of service for which such compensation was the highest. If his or her average monthly compensation for the 12 months next preceding the date of his or her retirement exceeds the average of his or her highest five consecutive years' compensation, then his or her average monthly compensation shall be based upon the 12-month period next preceding the date of his or her retirement, and in the case of death or disability incurred by a participant in the performance of duties before he or she has five consecutive years of service, his or her average monthly compensation shall be the average monthly rate of compensation during all his or her years of service.
- ii. For each participant that is hired on or after July 1, 2012, the average monthly compensation, (excluding and disregarding any hiatus in the participant's employment by the city) for his or her three consecutive years of service for which such compensation

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was the highest. In addition, in the case of death or disability incurred by a participant in the performance of duties before he or she has five consecutive years of service, his or her average monthly compensation shall be the average monthly rate of compensation during all his or her years of service.

- iii. For any police officer or firefighter, the average monthly compensation for three (3) consecutive years of service (excluding and disregarding any hiatus in the participant's employment with the city) for which such average is the greatest, or, if a participant has less than three (3) consecutive years of service, the participant's average monthly compensation for the entire period, or if less, the three-year aggregate period during which the participant was an employee and of which such average is the greatest.
- iv. For any police officer or firefighter hired before February 1, 1978, credited with 30 or more years of service, and eligible for automatic promotion to captain or comparable rank in the police or fire divisions of the city under Charter section 67, his or her average monthly compensation shall be the average monthly base compensation of a captain or comparable rank in the police or fire divisions of the city for the immediately preceding three years to be calculated as follows: the current monthly compensation of a captain or comparable rank as of the date of his or her retirement, plus the monthly compensation of a captain or comparable rank as of the date one year prior to the date of his or her retirement, plus the monthly compensation of a captain or comparable rank as of the date two years prior to the date of his or her retirement, plus any shift premium pay, hazardous pay, longevity pay, and incentive pay, excluding overtime pay or any double time compensation for holidays, earned during the immediately preceding three years, the sum of which is divided by three.

2. Sec. 25-1(11) shall be amended by the addition of the following subsection (c) to Sec. 25-1(11) regarding the 2016 Plan:

(c) 2016 plan: For each participant, for each plan year, the amount of pay, not in excess of two hundred thousand dollars (\$200,000.00) (as such amount may be adjusted for inflation from time to time by the secretary of the treasury under Code Sections 401(a)(17) and 415(d)), received by such participant for services rendered to the city, including shift premium pay, hazardous pay, longevity pay and incentive pay, but excluding overtime pay or any double-time compensation for holidays.

3. Sec. 25-1(11) shall be amended by the addition of the following subsection (d):

(d) For years beginning after December 31, 2008, (i) an individual receiving a differential wage payment, as defined by Code section 3401(h)(2), from the city shall be treated as an employee of the city, (ii) the differential wage payment shall be treated as compensation, and (iii) the pension system shall not be treated as failing to meet the requirements of any provision described in Code Section 414(u)(1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

4. Sec. 25-1(17) shall be amended and restated in its entirety to read as follows:

Employee means, except for any such employee who is eligible to make and has duly made the election provided in Sec. 25-160 hereof, any person hired on or before June 30, 2016, but who as of June 30, 2016 has seven and one-half (7.5) or more years of service with the city and who was on June 30, 2016 a participant in the City of Memphis Retirement System for General Employees, including police officers and firefighters, under City Ordinance Chapter 25, Articles I through VII, in the regular, full-time employ of the city to the extent that the city contributes to the salary of such employee in a job classification or title that the city administration shall designate as eligible for participation in the plan, including any person who is elected to his/her office by the people, but not including the light, gas and water division of the city, temporary employees as classified by the city, part-time employees, or any employee mandated by law to contribute to the federal Social Security system and not eligible to be a participant by his/her job classification.

The term "employee" shall also not include any person who is a leased employee within the meaning of Code §414(n). Leased employee means any person (other than an employee of the recipient) who pursuant to an agreement between the recipient and any other person ("leasing organization") has performed services for the recipient (or for the recipient and related persons determined in accordance with Code §414(n)(6)) on a substantially full-time basis for a period of at least one (1) year, and such services are performed under primary direction or control by the recipient. Contributions or benefits provided a leased employee by the leasing organization which are attributable to services performed for the recipient employer shall be treated as provided by the recipient employer. A leased employee shall not be considered an employee (unless otherwise specifically covered by the pension system) of the recipient if: (i) such employee is covered by a money purchase pension plan providing: (1) a nonintegrated employer contribution rate of at least ten percent (10%) of compensation, as defined in Code §415(c)(3), but including amounts contributed pursuant to a salary reduction agreement which are excludible from the employee's gross income under Code § 125, Code § 1320, Code §401(k), Code §402(h) or Code §403(b), (2) immediate participation, and (3) full and

immediate vesting; and (ii) leased employees do not constitute more than twenty percent (20%) of the recipient's non-highly compensated workforce.

5. The last sentence of Sec. 25-1(27) shall be deleted and the following sentence substituted therefor:

The determination of the line-of-duty disability of a participant shall be made on medical evidence by at least two (2) qualified physicians, one of whom may be the physician who makes disability determinations as to such participant for purposes of worker's compensation claims.

6. The last sentence of Sec. 25(31) shall be deleted and the following sentence substituted therefor::

The determination of the ordinary disability of a participant shall be made on medical evidence by at least two (2) qualified physicians, one of whom may be the physician who makes disability determinations as to such participant for purposes of worker's compensation claims.

7. Sec. 25-1(43) shall be amended by adding as subparagraph (h) thereto the following subparagraph (h):

(h) *Uniformed Service.* To the extent required under the Uniformed Services Employment and reemployment Rights Act of 1994, as amended from time to time, and subject to the mandates and conditions under such Act for the granting of service, including without limitation the payment of employee contributions as required under this Pension and Retirement System, a participant who leaves the employment of the city to enter the uniformed services and returns to employment with the city shall be credited with years of service in respect of such uniformed services.

8. Sec. 25-2 shall be amended and restated in its entirety to read as follows:

There is created and established a board of administration which, under the provisions of this title and the direction of the mayor, shall administer the plan and the trust fund created by this title. The board shall consist of the mayor or the mayor's designee, the officer in charge of the division of personnel or that officer's designee, the comptroller, five employees of the city with at least ten years of service, a citizen member of the city, a retiree of the plan, and a member of the city council. The member of city council shall be an ex officio member without a vote. The officer in charge of the division of personnel or that officer's designee shall be an ex officio member without a vote. The employee, citizen and retiree members of the board shall be appointed on the first Tuesday in December in odd-numbered years by the council on the recommendation of the mayor, for two year

appointments which shall begin on the January 1 next following the appointments. The council member of the board shall be chairman of the city council or the chairman's designee, who will be appointed each December, to serve for one year beginning on the January 1 next following the appointments. Each of the employee, citizen, retiree member, and city council member of the board shall serve until his or her successor is duly appointed. Vacancies during the term of any employee, citizen, retiree and/or city council member shall be filled by appointment in the same manner as provided for the original appointment except that such appointment shall be made as soon as reasonably feasible after such vacancy occurs (regardless of the year or when in the year such vacancy occurs). The term of such member shall begin effective immediately upon such appointment, and such member so appointed shall serve for the unexpired term of the original member or until a successor to such member is duly appointed. Until a vacancy is filled as provided herein the action of a quorum of the members as provided in Section 25-7 shall be and constitute a valid and binding action of the Board notwithstanding that a position is vacant.

9. Sec. 25-5 shall be amended and restated in its entirety to read as follows:

The mayor or the mayor's designee shall be ex officio chairperson and the comptroller ex officio treasurer of the board.

10. Sec. 25-31 shall be amended by adding as subparagraph (g) thereto the following subparagraph (g):

Five (5) members of the Pension Investment Committee shall constitute a quorum to transact any business, but it shall not require less than five (5) affirmative votes to carry out any matter presented to it.

11. Article V, Sec. 25-50 shall be amended and restated in its entirety to read as follows:

Sec. 25-50 Code §415 Limitations on Benefit Attributable to Employer Contributions.

(a) *Compliance with Code §415.* The limitations in this Section are intended to comply with the provisions of §415 of the Internal Revenue Code (the "Code") as applicable to governmental plans, the provisions of which are incorporated by reference. The plan shall be administered in compliance with the provisions of Code §415 and regulations under that section that are applicable to governmental plans and applicable provisions of the final regulations issued by the Internal Revenue Service on April 5, 2007. Employer-financed benefits provided by the retirement system shall not exceed the applicable limitations set forth in Code §415, as adjusted under section 415(d) to reflect cost of living increases, and the retirement system

shall adjust the benefits payable to participants and beneficiaries subject to the limitation each calendar year to conform with the adjusted limitation. For purposes of section 415(b) of the Code, the applicable limitation shall apply to aggregated benefits received from all qualified pension plans of the employer. If there is any discrepancy between the provisions of this Section and the provisions of Code §415 and the applicable regulations promulgated thereunder, such discrepancy shall be resolved in such a way as to give full effect to the provisions of the Code.

(b) *Basic Limitation on Benefit.* Notwithstanding any provision in the plan to the contrary and except as provided in subsection (b) hereof, the annual benefit payable to a participant under the plan to the extent attributable to employer contributions, shall not exceed the Defined Benefit Dollar Limitation.

(c) *Exceptions.* The limitations under subsection (a) shall not apply if the participant's annual benefit attributable to employer contributions under the plan or any other defined benefit plans maintained by an Affiliate does not in the aggregate exceed \$10,000. For Limitation Years ending after December 31, 2001, the Defined Benefit Dollar Limitation is \$160,000, as adjusted, effective January 1 of each year, under Code §415(d) in such manner as the Secretary of the Treasury shall prescribe, and payable in the form of a straight life annuity. A limitation as adjusted under Code §415(d) will apply to Limitation Years ending with or within the calendar year for which the adjustment applies.

(d) *Adjustments to Basic Limitation.*

(1) *Adjustment for Early Retirement.* If a Participant's benefit under the Plan commences before age sixty-two (62), the Defined Benefit Dollar Limitation shall be adjusted (in the manner prescribed by the Secretary of the Treasury) so that it is the Actuarial Equivalent of an annual benefit equal to the Defined Benefit Dollar Limitation commencing at age sixty-two (62). The reduction under this subparagraph shall not reduce the Defined Benefit Dollar Limitation below (i) \$75,000 if the benefit begins at age fifty-five (55), or (ii) if the benefit begins before age fifty-five (55), the equivalent of the \$75,000 limitation for age fifty-five (55).

(2) *Adjustment for Deferred Retirement.* If a Participant's benefit under the Plan commences after age sixty-five (65), the Defined Benefit Dollar Limitation shall be adjusted (in the manner prescribed by the Secretary of the Treasury) so that it is the Actuarial

Equivalent of a benefit equal to the Defined Benefit Dollar Limitation commencing at age sixty-five (65).

(3) *Adjustment for Less Than Ten Years of Participation.* If a Participant has completed less than ten (10) years of participation in the Plan, the Defined Benefit Dollar Limitation shall be adjusted by multiplying it by a fraction, the numerator of which is the Participant's number of years (or part thereof) of participation in the Plan and the denominator of which is ten (10); provided, such adjustment shall in no event reduce the Defined Benefit Dollar Limitation to an amount which is less than one-tenth ($1/10^{\text{th}}$) of the Defined Benefit Dollar Limitation [as determined without regard to this subsection (d)(3)].

(4) *Adjustment for Less Than Ten Years of Vesting Service.* If a Participant has completed less than ten (10) Years of Service, the limitation referred to in (b) and the exception described in (c) shall be adjusted by multiplying the amounts described in such limitation and exception by a fraction, the numerator of which is the Participant's number of Years of Service (or part thereof) and the denominator of which is ten (10); provided, such adjustments shall in no event reduce the limitation or exception amount to a figure which is less than one-tenth ($1/10^{\text{th}}$) of such limitation or exception amount as determined without regard to this subsection (d)(4).

(5) *Actuarial Equivalence.* Actuarial Equivalence under subsections (d)(1) and (d)(2) shall be determined using a five percent (5%) interest assumption and the applicable mortality table prescribed under Code §417(e)(3)(A)(II).

(e) *Special Rule for Survivor and Disability Benefits.* Regardless of the above, the early retirement reduction and the ten (10) year phase-in do not apply to survivor and disability benefits.

(f) *Treatment of Multiple Defined Benefit Plans.* The limitations of this section with respect to any participant who at any time has participated in any other defined benefit plan maintained by the employer shall apply as if the total benefits payable under all defined benefit plans in which the participant has participated were payable from one plan.

(g) *Special Definitions Applicable to Code §415 Limitations.*

(1) *Current Accrued Benefit.* The term "Current Accrued Benefit" shall mean a Participant's accrued benefit, when expressed as an

annual benefit within the meaning of Code §415(b)(2), determined as of the last day of the last Limitation Year beginning before January 1, 1987, without regard to any change in the terms of the Plan or any cost of living adjustments, if any, occurring after May 5, 1986.

(2) *Defined Benefit Dollar Limitation.* The term "Defined Benefit Dollar Limitation" shall mean, for Limitation Years ending after December 31, 2001, \$160,000, as adjusted, effective January 1 of each year, under Code §415(d) in such manner as the Secretary of the Treasury shall prescribe, and payable in the form of a straight life annuity. A limitation as adjusted under Code §415(d) will apply to Limitation Years ending with or within the calendar year for which the adjustment applies.

(3) *Defined Benefit Plan.* The term "Defined Benefit Plan" shall mean any qualified retirement plan maintained by the Employer which is not a Defined Contribution Plan.

(4) *Compensation.* The term "Compensation" as used in this section shall mean compensation as defined in the Regs. 1.415(c)-2(a) and shall be adjusted for types of compensation paid after a Participant's severance from employment as provided in the final regulations under Section 415 of the Internal Revenue Code effective April 5, 2007 (IRB 2007-18, T.D. 9319).

For purposes of this Section "Limitation Year" shall mean the Plan year.

12. Article V shall be amended by the addition of a new section, to be denominated as Sec. 25-52 Rollover Distributions, as follows:

25-52. Rollover Distributions.

(a) *Application.* Notwithstanding any provision in the Pension System to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect at the time and in the manner prescribed by the Board of Administration to have any portion of an eligible rollover distribution from the Pension System paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) *Definitions.*

(1) "Eligible Rollover Distribution." An "eligible rollover distribution" is any distribution of all or any portion of the balance to the credit of the "distributee," except that an "eligible rollover distribution" does not include:

any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the "distributee" or the joint lives (or joint life expectancies) of the "distributee" and the "distributee's" designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Code Section 401(a)(9); the portion of any other distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities); and any other distribution that is reasonably expected to total less than \$200 during a year.

(2) "Eligible Retirement Plan." An "eligible retirement plan" is an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b) (other than an endowment contract), a qualified trust (an employees' trust) described in Code Section 401(a) which is exempt from tax under Code Section 501(a), an annuity plan described in Code Section 403(a), an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and an annuity contract described in Code Section 403(b), that accepts the "distributee's" "eligible rollover distribution." However, in the case of an "eligible rollover distribution" to the surviving spouse or a nonspouse beneficiary as provided herein, an "eligible retirement plan" is an individual retirement account or individual retirement annuity.

(3) "Distributee." A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code § 414(p), are distributees with regard to the interest of the spouse or former spouse. In addition, a rollover shall be permitted in accordance with Code Section 402(c)(11). In general this includes a direct trust to trust transfer by a designated beneficiary to an inherited individual retirement account or annuity or other trust of a type specified by the Secretary of the Treasury.

(4) "Direct Rollover." A direct rollover is a payment by the pension system to the eligible retirement plan specified by the distributee.

(c) *Non-spouse beneficiary rollover right.* For distributions after December 31, 2009, a non-spouse beneficiary who is a "designated beneficiary" under Code §401(a)(9)(E) and the regulations thereunder, by a direct trustee-to-trustee transfer ("direct rollover"), may roll over all or any portion of his or her distribution from

the Pension System to an individual retirement account the beneficiary establishes for purposes of receiving the distribution. In order to be able to roll over the distribution, the distribution otherwise must satisfy the definition of an eligible rollover distribution.

(A) Certain requirements not applicable. Although a non-spouse beneficiary may roll over directly a distribution as provided above, any distribution made prior to January 1, 2010 is not subject to the direct rollover requirements of Code §401(a)(31) (including Code §401(a)(31)(B), the notice requirements of Code §402(f) or the mandatory withholding requirements of Code §3405(c)). If a non-spouse beneficiary receives a distribution from the Plan, the distribution is not eligible for a “60-day” rollover.

(B) Trust beneficiary. If the Participant’s named beneficiary is a trust, the Plan may make a direct rollover to an individual retirement account on behalf of the trust, provided the trust satisfies the requirements to be a designated beneficiary within the meaning of Code §401(a)(9)(E).

(C) Required minimum distributions not eligible for rollover. A non-spouse beneficiary may not roll over an amount which is a required minimum distribution, as determined under applicable Treasury regulations and other Revenue Service guidance. If the Participant dies before his or her required beginning date and the non-spouse beneficiary rolls over to an IRA the maximum amount eligible for rollover, the beneficiary may elect to use either the 5-year rule or the life expectancy rule, pursuant to Treas. Reg. §1.401(a)(9)-3, A-4(c), in determining the required minimum distributions from the IRA that receives the non-spouse beneficiary’s distribution.

(d) *Roth IRA rollover.* For distributions made after December 31, 2007, a participant may elect to roll over directly an eligible rollover distribution to a Roth IRA described in Code §408A(b).

13. Subparagraph (a) of Section 25-84 Refund of employee contributions shall be amended and restated in its entirety by substituting the following subparagraph (a) therefor:

(a) Any participant whose employment with the city terminates, for any reason other than death, who is not entitled to any benefits under section Sec. 25-78, Sec. 25-81 or Sec. 25-82, and who has not elected benefits under Sec. 25-83, shall receive an amount equal to the product of his or her total employee contributions times the applicable return multiple as determined under the table in Sec. 25-1 paid as soon as administratively feasible following the date the termination of his or her employment occurs or is deemed to have occurred under subsection C of this section unless he or she earlier withdraws the employee contributions,

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becomes entitled to receive benefits under Sec. 25-78, Sec. 25-81 or Sec. 25-82, or elects benefits under Sec. 25-83.

14. Section 25-84 Refund of employee contributions shall be amended by the addition of the following as new subsection (b) and the re-lettering of the current subsection (b) as subsection (c):

(b) Any participant whose employment with the city terminates for any reason other than death but who is entitled to a benefit payable under Sec. 25-78, Sec. 25-81 or Sec. 25-82, and who has not elected benefits under Sec. 25-83, may elect to receive in lieu of any other benefit payable under any other section of this Plan an amount equal to the product of his or her total employee contributions times the applicable return multiple as determined under the table in Sec. 25-1 paid as soon as administratively feasible following the date the termination of his or her employment occurs (or which is deemed to have occurred under subsection C of this section) unless he or she earlier withdraws the employee contributions, becomes entitled to receive benefits under Sec. 25-78, Sec. 25-81 or Sec. 25-82, or elects benefits under Sec. 25-83. In the event that any participant elects to withdraw his or her participant contributions as provided in this section 25-84(b), such participant shall be deemed to have waived his or her rights to any other benefit payments under any provision of this Retirement System, including the right to payment of any survivor benefits otherwise payable in the event of the participant's death in accordance with section 25-90 or 25-91 or otherwise under the Pension System.

15. Sec. 25-85 shall be amended and restated in its entirety to read as follows:

25-85 Benefits upon reemployment.

If a participant receiving benefits pursuant to this 1948 plan is reemployed after his or her annuity commencement date, and becomes a participant in the Plan as provided in Sec. 25-61 or any other section of the Plan, no further benefit payments shall be made to that participant during his or her period of reemployment. Subsequent benefits and an appropriate annuity compensation date for that participant shall be determined based on his or her years of service determined under Sec. 25-1(45), and in accordance with this 1948 plan or the 1978 and 2016 plan, as applicable; provided, however, subsequent benefits shall be reduced by the actuarial equivalent of any amounts distributed between his or her first annuity commencement date and his or her most recent reemployment commencement date, but not to an amount less than the annual plan benefit he or she was receiving immediately before his or her most recent reemployment commencement date.

16. Effective from and after the effective date of this Ordinance subsection (a) of Sec. 25-93 shall be amended and restated in its entirety by substituting the following subparagraph (2) therefor:

Beneficiary priority. The death benefit of Sec. 25-90 or Sec. 25-91 shall be paid to the surviving spouse (as such term is defined in Sec. 25-1) until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made or shall continue to be paid to or on the behalf of the participant's surviving child and handicapped child (as the terms "child" and "handicapped child" are defined in Sec. 25-1), for as long as the individual is a child or handicapped child; provided, however, any handicapped child shall be entitled to receive only 50 percent of the benefit payment any other child of the participant shall be entitled to receive. If payments are made to more than one child, the death benefit shall be payable in equal shares; provided, if any child becomes ineligible to receive benefits because of death or attainment of age, the death benefit shall be divided equally among the remaining eligible children. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 1948 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 25-90 or 25-91.

17. Sec. 25-94 shall be deleted in its entirety and the following Sec. 25-94 substituted therefor as Sec. 25-94:

Sec. 94. Residual benefits and Refund of Employee Contributions.

- (a) Notwithstanding any other sections of this 1948 plan, a participant's beneficiaries, in the order of priority as set forth in Sec. 25-94(b) hereof, shall be paid any excess of the participant's total accumulated employee contributions, minus the aggregate total retirement and death benefit payments under this 1948 plan made to the participant, the participant's spouse, children, or any other designated beneficiary, following the death of all such individuals.
- (b) For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this Plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less the aggregate of any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under Sec. 25-94(a) hereof) shall be

(i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to become effective, and such consent shall be witnessed by a notary public or by the Benefits Manager of the City, the Total Rewards Officer of the City, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in Section 25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in Section 25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the Plan is the legally recognized spouse or child of the participant. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any

benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

18. Sec. 25-160 Participation shall be amended by adding the following as subparagraph (e) thereto:

(e) Each Transferred Participant (as such term is defined in Sec. 25-1(43)) who (i) both as of the original effective date of this 2016 plan was, has continuously since such date been, and continues to be as of the effective date of this Ordinance employed by the City in full-time employment as a commissioned fire or police officer, a police dispatcher, a fire alarm operator, or a paramedic, (ii) has continuously since adoption of this 2016 plan participated in this 2016 plan as a Transferred Participant and has not experienced a severance date as such term is defined in Sec. 25-1(39), (iii) has not withdrawn any amount of his or her cash balance account or separate defined contribution plan account from the 2016 plan may make a one-time irrevocable election in a form and manner prescribed by the City to transfer his or her entire cash balance account, consisting of both participant and city contributions and the aggregate interest credits on said account, plus his or her entire separate defined contribution plan account to the 1978 plan, whereupon his or her participation in the 2016 plan and any and all rights and benefits thereunder shall cease and such Transferred Participant shall participate in the 1978 plan, the same as if he or she had not transferred participation from the 1978 plan to the 2016 plan. Such election, once made, shall be irrevocable and may not be subsequently modified. If a participant makes such an election, all rights and benefits upon subsequent retirement or other termination of employment by such Transferred Participant shall be governed solely and exclusively by the terms and provisions of the 1978 plan.

19. Subparagraph (a) of Section 25-184 Refund of employee contributions shall be amended and restated in its entirety by substituting the following subparagraph (a) therefor:

(a) Any participant whose employment with the city terminates, for any reason other than death, who is not entitled to any benefits under Sec. 25-178, Sec. 25-181 or Sec. 25-182, and who has not elected benefits under Sec. 25-183, shall receive an amount equal to the product of his or her total employee contributions times the applicable return multiple as determined under the table in Sec. 25-1 paid as soon as administratively feasible following the date the termination of his or her employment occurs (or which is deemed to have occurred under subsection C of this section) unless he or she earlier withdraws the employee contributions, becomes entitled to receive benefits under Sec. 25-178, Sec. 25-181 or Sec. 25-182, or elects benefits under Sec. 25-183.

20. Section 25-184 Refund of employee contributions shall be amended by the addition of the following as new subsection (b) and the re-lettering of the current subsection (b) as subsection (c):

(b) Any participant whose employment with the city terminates for any reason other than death but who is entitled to a benefit payable under Sec. 25-178, Sec. 25-181 or Sec. 25-182, and who has not elected benefits under Sec. 25-183, may elect to receive in lieu of any other benefit payable under any other section of this Plan an amount equal to the product of his or her total employee contributions times the applicable return multiple as determined under the table in Sec. 25-1 paid as soon as administratively feasible following the date the termination of his or her employment occurs or is deemed to have occurred under subsection C of this section unless he or she earlier withdraws the employee contributions, becomes entitled to receive benefits under Sec. 25-178, Sec. 25-181 or Sec. 25-182, or elects benefits under Sec. 25-183. In the event that any participant elects to withdraw his or her participant contributions as provided in this section 25-184(b), such participant shall be deemed to have waived his or her rights to any other benefit payments under any provision of this Retirement System, including the right to payment of any survivor benefits otherwise payable in the event of the participant's death in accordance with section 25-190 or 25-191 or otherwise under the Pension System.

21. Sec. 25-185 shall be amended and restated in its entirety to read as follows:

Sec. 25-185 Benefits upon reemployment.

If a participant receiving benefits pursuant to this 1978 plan is reemployed after his annuity commencement date, and becomes a participant in this Plan as provided in Sec. 25-161 or any other section of the Plan, no further benefit payments shall be made to that participant during his period of reemployment. Subsequent benefits and an appropriate annuity commencement date for that participant shall be determined based on his years of service determined under section 25-1(45) and in accordance with this 1978 plan or the 1948 and 2016 plans, as applicable; provided, however, subsequent benefits shall be reduced by the actuarial equivalent of any amounts distributed between his or her first annuity commencement date and his or her most recent reemployment commencement date, but not to an amount less than the annual plan benefit he or she was receiving immediately before his or her most recent reemployment commencement date.

Any employee hired after October 1, 2013, that leaves employment at the City of Memphis and is eligible for a pension benefit under this 1978 plan or any other plan division of the Memphis Pension System and is then employed at the MLGW, Shelby County, or any other taxpayer supported Primary Government and Discretely Presented Component Units of Memphis or Shelby County shall have his/her pension payment under the City of Memphis Pension System reduced

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by the amount of the salary received from such employment up to the amount of the pension payment under the City of Memphis Pension System during the period of such employment. If the pension payment under the City of Memphis Pension System exceeds the salary received in such employment, then the pension payment shall be reduced by the amount of the gross amount of the salary during the period of employment.

22. Effective from and after the effective date of this Ordinance subsection (a) of Sec. 25-193 shall be amended and restated in its entirety by substituting the following subparagraph (a) therefor:

Beneficiary priority. The death benefit of Sec. 25-190 or Sec. 25-191 shall be paid to the surviving spouse (as such term is defined in Sec. 25-1) until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made or shall continue to be paid to or on the behalf of the participant's surviving child and handicapped child (as the terms "child" and "handicapped child" are defined in Sec. 25-1), for as long as the individual is a child or handicapped child; provided, however, any handicapped child shall be entitled to receive only 50 percent of the benefit payment any other child of the participant shall be entitled to receive. If payments are made to more than one child, the death benefit shall be payable in equal shares; provided, if any child becomes ineligible to receive benefits because of death or attainment of age, the death benefit shall be divided equally among the remaining eligible children. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 1978 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 25-190 or 25-191.

For each participant hired on or after July 1, 2012, the death benefit of 25-190 or 25-191 shall be paid to the surviving spouse until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made, or shall continue to be paid to or on the behalf of the participant's child and handicapped child (as the terms "child" and "handicapped child" are defined in Sec. 25-1), for as long as the individual is a child or handicapped child; provided, however, any handicapped child shall be entitled to receive only 50 percent of the benefit payment any other child of the participant shall be entitled to receive. If payments are made to more than one child, the death benefit shall be payable in equal shares; provided, if any child becomes ineligible to receive benefits because of death or attainment of age, the death benefit shall be divided equally among the remaining eligible children. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 1978 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 25-190 or 25-191.

23. Sec. 25-194 shall be deleted in its entirety and the following Sec. 25-194 substituted therefor as Sec. 25-194:

Sec. 194. Residual benefits and Refund of Employee Contributions.

- (a) Notwithstanding any other sections of this 1978 plan, a participant's beneficiaries, in the order of priority as set forth in Sec. 25-194(b) hereof, shall be paid any excess of the participant's total accumulated employee contributions, minus the aggregate total retirement and death benefit payments under this 1978 plan made to the participant, the participant's spouse, children, or any other designated beneficiary, following the death of all such individuals.
- (b) For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this Plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less the aggregate of any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under Sec. 25-194(a) hereof) shall be

(i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to be effective, and such consent shall be witnessed by a notary public or by the Benefits Manager of the City, the Total Rewards Officer of the City, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in Section 25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in Section 25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the Plan is the legally recognized spouse or child of the participant. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

24. Sec. 25-201 Cessation of accruals for transferred participants shall be amended and restated in its entirety to read as follows:

Except as expressly provided below and solely for Transferred Participants who have duly made the election provided in Sec. 25-160(e), notwithstanding any other contrary provision of this pension system, in calculating the accrued benefit (including the right to any optional benefit provided under the pension system) of any transferred participant, such transferred participant shall accrue no additional benefit under the pension system, division 1 or division 2, on or after June 30, 2016. Transferred Participants who have duly made the election in Sec. 25-160(e) shall accrued no benefit under division 3 (the 2016 plan) but shall accrue benefits solely pursuant to the terms and provisions of this 1978 plan.

25. Subparagraph (a) of Sec. 25-211 shall be amended and restated to read as follows:

General rule. Each person (1) who is hired on or after July 1, 2016, or (2) who is a transferred participant as defined in Sec. 25-1(43)(except for those transferred participants who are eligible to make and have duly made the election provided in Sec. 25-160), in each case who is in the regular, full-time employment of the city to the extent that the city contributes to the salary of such employee in a job classification or

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title that the city administration shall designate as eligible for participation in the plan, including any person who is elected to his/her office by the people, but not including the light, gas and water division of the city, temporary employees as classified by the city, part-time employees, or any employee mandated by law to contribute to the federal Social Security system and not eligible to be a participant by his/her job classification, shall become a participant in this 2016 plan as of his or her employment creditable service date without any further action on his or her part.

26. Section 25-211 shall be amended by adding as subparagraph (e) thereto the following subparagraph (e):

(e) *Leased Employee*. The term "employee" shall also not include any person who is a leased employee within the meaning of Code §414(n)

27. Sec. 25-240 Normal Retirement shall be amended by adding as subparagraph (b) the following and renumbering the current subparagraph (b) as subparagraph (c):

(b) Any Participant eligible for a normal retirement benefit pursuant to subparagraph (a) above may irrevocably elect to receive between five percent (5%) and twenty-five percent (25%) (in increments of five percent (5%)) of his/her accrued benefit in the form of an actuarial equivalent single lump-sum distribution. Such election shall be made prior to the participant's annuity commencement date in accordance with uniform procedures established by the Board.

If a participant elects to receive any part of his/her accrued benefit in the form of a lump-sum distribution as provided in this subparagraph (b), the monthly retirement benefit payable to such participant shall be reduced by an equal percentage. Such election shall likewise reduce the amount of any death benefit payable to a surviving spouse or any other beneficiary or beneficiaries, which shall be calculated taking into account such election.

Any cost of living adjustments to the participant's monthly retirement benefit shall be calculated based on the reduced monthly benefit resulting from the lump-sum distribution election.

In determining any minimum monthly benefit provided under the plan, the amount of the applicable minimum shall be reduced by the percentage lump sum elected by the participant.

28. Subparagraph (a) and (b) of Sec. 25-242 shall be restated and amended in their entirety to read as follows:

(a) Any participant meeting the requirements of section 25-242(d) may elect to receive a deferred retirement benefit under this 2016 Plan equal to his/her accrued benefit and payable in the form of a single life annuity.

(b) The annuity commencement date of any participant who is to receive his or her benefit pursuant to section 25-242(a) shall be the date s/he reaches age sixty (60).

29. Subparagraph (c) of Sec. 25-242 shall be relettered as subparagraph (d) and the following subparagraph (c) added to Sec. 25-242:

(c) A participant may revoke his/her election under section 25-242 at any time before his/her annuity commencement date. Any participant timely revoking his section 25-242 election shall receive a refund in accordance with section 25-243 of all employee contributions made by him/her or on her/his behalf under this 2016 plan.

30. Subparagraph (a) of Section 25-243 Refund of employee contributions shall be amended and restated in its entirety by substituting the following subparagraph (a) therefor:

(a) Any participant whose employment with the city terminates, for any reason other than death, who is not entitled to any benefits under Sec. 25-240 or 25-241, and who has not elected benefits under Sec. 25-242, shall receive an amount equal to his/her total participant employee cash balance plan contributions plus the interest crediting rate on such contributions as provided herein and defined contribution account balance attributable to the participant's contributions. Such refund of employee contributions shall be paid as soon as administratively feasible following the date the termination of his/her employment occurs (or which is deemed to have occurred under Section 25-243(c)) unless s/he earlier withdraws the participant employee contributions or becomes entitled to receive benefits under any other section of this Plan.

31. Section 25-243 Refund of employee contributions shall be amended by the addition of the following as new subsection (b) and the re-lettering of the current subsection (b) as subsection (c):

(b) Any participant whose employment with the city terminates for any reason other than death but who is entitled to a benefit payable under Sec. 25-240 or 25-241, and who has not elected benefits under Sec. 25-242, may elect to receive in lieu of any other benefit payable under any other section of this Plan an amount equal to his or her total participant employee cash balance plan contributions plus the interest crediting rate on such contributions as provided herein together with his or her defined contribution account balance attributable to such participant's contributions. Such refund of employee contributions shall be paid as soon as administratively feasible following the date the termination of his/her employment occurs (or which is deemed to have occurred under Section 25-243(c)) unless s/he earlier withdraws the participant employee contributions or becomes entitled to

receive benefits under any other section of this Plan. In the event that any participant elects to withdraw his or her participant contributions as provided in this section 25-243(b), such participant shall be deemed to have waived his or her rights to any other benefit payments under any provision of this Retirement System, including the right to payment of any survivor benefits otherwise payable in the event of the participant's death in accordance with section 25-251 or otherwise under the Pension System.

32. Subsection (a) of Sec. 25-250 shall be amended by adding the following sentence as the last sentence of said subsection (a):

Such death benefit shall be paid in accordance with Sec. 25-252.

33. Subsection (b) of Sec. 25-250 shall be amended by adding the following sentence as the last sentence of said subsection (b):

Such death benefit shall be paid in accordance with Sec. 25-252.

34. The first paragraph of Sec. 25-251(a), Other Death Benefit shall be amended and restated to read as follows:

(a) The beneficiaries described in section 25-251(b) of a participant who dies other than as described in Sec. 25-250(a) or Sec. 25-250(b) and who has not elected deferred retirement under section 25-242, shall receive a death benefit in accordance with Sec. 25-252 equal to seventy-five percent (75%) of:

35. The following subsection (c) shall be added to Section 25-251 as follows:

(c) *Death Benefits with Respect to Qualified Military Service.* In the case of a participant who dies on or after January 1, 2007 while performing qualified military service (as defined in Code section 414(u)) with respect to the city, his/her beneficiary shall have a nonforfeitable interest in all city contributions to the participant to the extent that he/she would have had to such city contributions in the event that the participant resumed, and then terminated, employment on account of death.

36. The following Sec. 25-252 shall be added as Sec. 25-252 Distribution as follows.

Sec. 25-252. Distribution.

(a) *Beneficiary priority.* The death benefit of Sec. 25-250 or 25-251 shall be paid to the surviving spouse until the spouse's death. If there is no spouse, or upon the spouse's death, the death benefit shall be made or shall continue to be paid to or on the behalf of the participant's surviving children and handicapped children, for as long as they are children or handicapped children; provided, however, any handicapped child shall be entitled to receive only fifty (50)

percent of the benefit payment any other child of the participant shall be entitled to receive. If payments are made to more than one child, the death benefit shall be payable in equal shares; provided, if any child becomes ineligible to receive benefits because of death or attainment of age, the death benefit shall be divided equally among the remaining eligible children. No surviving spouse of a participant's spouse shall be entitled to any benefits from this 2016 plan as a result of the participant's spouse's interest in a benefit payable under Sec. 25-250 or Sec. 25-251.

(b) *Payment after refund.* If a participant's employee contributions have been refunded under section 25-243 before the participant's date of death, credits against such refund shall be made in lieu of death benefit payments under section 25-250 or 25-251 until such credits have fully offset such refund amount.

37. The following Sec. 25-253 shall be added as Sec. 25-253 Residual benefits as follows.

Sec. 25-253 Residual benefits.

Notwithstanding any other sections of this 2016 plan, a participant's beneficiaries, in the order of priority as set forth in Sec. 25-254 hereof, shall be paid any excess of the participant's total accumulated employee contributions, minus the aggregate total retirement and death benefit payments under this 2016 plan made to the participant, the participant's spouse, children, or any other designated beneficiary, following the death of all such individuals.

38. The following Sec. 25-254 shall be added as Sec. 25-254 Employee Contribution Refunds Upon Death as follows.

Sec. 25-254 Employee Contribution Refunds Upon Death.

For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this Plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under Sec. 25-253 hereof) shall be

(i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the

foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to become effective, and such consent shall be witnessed by a notary public or by the Benefits Manager of the City, the Total Rewards Officer of the City, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in Section 25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in Section 25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the Plan is the legally recognized spouse or child of the participant. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

39. Sec. 25-260 City's 457(b) Plan shall be amended in its entirety to read as follows:

Sec. 25-260. City's 457(b) Plan

(1) *Rollover of participant accounts attributable to participant's compensation from the city's 457(b) plan.* To the extent permitted by the Internal Revenue Code, a participant of the 2016 Plan entitled to a benefit under Sec. 25-240, Sec. 25-241, or Sec. 25-242 who also participates in the city's 457(b) plan may, upon such participant's termination of employment with the city but prior to the participant's annuity commencement date, transfer from the participant's 457(b) account by direct rollover to this 2016 Plan any portion or all of the amounts in the participant's 457(b) account attributable to the contributions made by the participant and/or the city with respect to the compensation of the participant from the city, provided such transfer will not jeopardize the tax exempt status of this plan. Any amounts in a participant's account rolled over by the participant from a 457(b) or other employee benefit plan of an employer other than the city (except as provided below with respect to the Memphis and Shelby County Airport Authority) may not be rolled over to this 2016 Plan. The transferred amount shall be set up in a separate account to be known as a "Rollover Account." Such Rollover Account shall be fully vested at all times and shall not be subject to forfeiture. Such Rollover Account shall be held pursuant to the provisions of this 2016 plan and shall not be withdrawn by or distributed to the participant except as provided in this 2016 Plan.

To the extent an employee of the Memphis and Shelby County Airport Authority who participates in the city's 457(b) plan also participates in this 2016 Plan and is entitled to a benefit under Sec. 25-240, Sec. 25-241, or Sec. 25-242 of this 2016 Plan, such participant may from the participant's 457(b) account in the city's 457(b) plan by direct rollover transfer to this 2016 Plan any portion or all of the amounts in the participant's 457(b) account attributable to the contributions made by the participant and/or the Memphis and Shelby County Airport Authority with respect to the compensation of the participant from the Memphis and Shelby County Airport Authority, to the extent the Memphis and Shelby County Airport Authority makes contributions to this 2016 Plan with respect to such participant and provided such transfer will not jeopardize the tax exempt status of this plan. The transferred amount shall be set up in a separate account to be known as a "Rollover Account." Such Rollover Account shall be fully vested at all times and shall not be subject to forfeiture. Such Rollover Account shall be held pursuant to the provisions of this 2016 plan and shall not

be withdrawn by or distributed to the participant except as provided in this 2016 Plan.

(2) *Distribution of Rollover Account as Part of Accrued Benefit.* At the participant's normal retirement date, or such other date when the participant shall be entitled to receive benefits under Sec. 25-240, Sec. 25-241, or Sec. 25-242, the value of the Rollover Account shall be combined with the participant's cash balance account and defined contribution account to provide additional monthly benefits to the participant as provided herein.

40. Sec. 25-273, Prohibition of Assignment shall be amended and restated to read as follows:

Except as otherwise provided by law, no benefit payable under this plan shall be subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, charge, attachment, garnishment, execution, or levy of any kind or any other process of law, voluntary or involuntary. Any attempt to so dispose of any rights to benefits payable hereunder shall be void, unless otherwise authorized by applicable law. Neither the plan nor trust shall be liable for or subject to the debts, contracts, liabilities, engagements or torts of any person entitled to benefits hereunder.

Unless otherwise provided by applicable law, effective July 1, 2015, the restrictions on transfers of benefits as described in this Section shall not apply to the creation, assignment, or recognition of a right to any benefit payable with respect to a participant pursuant to a "qualified domestic relations order" defined in Internal Revenue Code Section 414(p) and as provided in Tenn. Code Ann. 26-2-105, as amended. The Board shall establish a written procedure to determine the qualified status of domestic relations orders and to administer distributions under such qualified orders. For the purposes of this Section "qualified domestic relations order" shall have the meaning set forth under Code Section 414(p).

Where there is a reference in the above Ordinance to the effective date of this Ordinance, such date shall be the date this Ordinance is duly stamped by the Deputy Controller-Council Records or such other City employee authorized to stamp and certify adoption of City Ordinances.



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution appropriating \$2,863,363.56 of assigned fund balance for the purposes of meeting contractually obligated capital expenditures for improvements to FedExForum. **Council District 6.**

2. Initiating Party (e.g., Public Works; at request of City Council; etc.)

Executive and Finance

3. State whether this is a change to an existing ordinance or resolution, if applicable.

N/A

4. State whether this requires a new contract, or amends an existing contract, if applicable.

N/A

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution authorizes fund balance from the general fund to be transferred to the Sports Authority Capital Improvement fund to pay for capital improvements to the FedEx Forum.



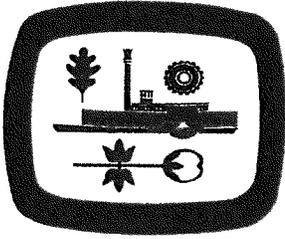
A resolution appropriating \$2,863,363.56 of assigned fund balance for the purposes of meeting contractually obligated capital expenditures for improvements to FedExForum

WHEREAS, Section 8 of the Memphis Arena Use and Operating Agreement between Memphis Basketball, LLC and the City of Memphis and Shelby County states that the City and County shall be responsible for all capital repairs relating to the arena complex;

WHEREAS, the Memphis-Shelby County Sports Authority has approved recent capital improvements to the arena and has presented to the City in 2020 two reimbursement requests to the Sports Authority's Capital Improvement Reserve Fund: \$858,838.60 in January 2020, and \$2,004,524.96 in May 2020. These costs are largely associated with new lighting, a new electrical distribution system, and a replacement of the roof membrane;

WHEREAS, the City and County have reviewed and agreed to said improvements, and;

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council appropriates \$2,863,363.56 to be transferred from the General Fund to the Sports Authority Capital Improvement Reserve Fund for this reimbursement to pay for capital expenditures.



T070

City Council Item Routing Sheet

Division Finance

Committee Budget

Hearing Date 10/20/2020

Ordinance

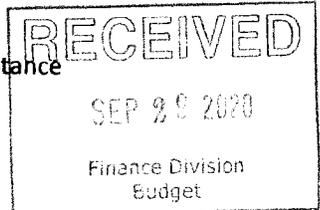
Resolution

Grant Acceptance

Budget Amendment

Commendation

Other:



Item Description:

This is to accept \$15,000,000 from the Tennessee Department of Environment and Conservation Clean Water State Revolving Loan Fund, SRF 2021-451, for the City-wide sewer collection system assessment and rehabilitation program. **ALL Council Districts.**

Recommended Council Action: Approve

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: N/A

Does this item require city expenditure? No	Source and Amount of Funds
\$ Amount	\$ Operating Budget
\$ 15,000,000.00 Revenue to be received;	\$ CIP Project # SW05001
	\$ 15,000,000.00 Federal/State/Other

Approvals

Director *Re V* Date 9-28-20

Director _____ Date _____

Budget Manager *Ramona Wyatt* Date _____

CFO *J. Allen* Date 10/06/2020

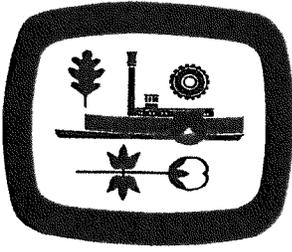
Finance Director _____ Date _____

City Attorney *[Signature]* Date 10/1/20

Chief Administrative Officer *[Signature]* Date 9/29/20

Council Committee *[Signature]* Date _____





Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This is to accept \$15,000,000 from the Tennessee Department of Environment and Conservation Clean Water State Revolving Loan Fund, SRF 2021-451, for the City-wide sewer collection system assessment and rehabilitation program. *All Council Districts.*

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Initiating Party is the Division of Public Works (Environmental Engineering).

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Not applicable.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

Not applicable.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution requires a budget amendment.

CITY OF MEMPHIS
SRF 2021-451
AUTHORIZING RESOLUTION

RESOLUTION AUTHORIZING AND PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT, INCLUDING AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS, AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH SUCH FINANCING.

WHEREAS, the City of Memphis is a public and governmental body in Memphis (Shelby County), Tennessee (the "Local Government"); and

WHEREAS, the Local Government has determined that it is necessary and desirable to undertake certain activities or tasks in connection with a wastewater facilities project, Department of Environment and Conservation Number SRF 2021-451 (the "Project"), in and for the Local Government; and

WHEREAS, Tennessee Code Annotated, Section 68-221-1001 et. seq., provide for the lending of funds in the wastewater facilities Revolving Loan Fund to Local Governments for the purpose of providing funds for Project Loans; and

WHEREAS, the local Government has determined that it is necessary and advisable to borrow funds for the Project pursuant to these sections.

NOW, THEREFORE, be it resolved as follows:

Section 1. Local Government hereby approves the creation of indebtedness on behalf of the Local Government in the principal amount of fifteen million dollars (\$15,000,000) by the obtaining of a Project Loan.

Section 2. The execution and delivery of the Application for a Project Loan in the principal amount of fifteen million dollars (\$15,000,000) for the purpose of funding all or a portion of the total estimated cost of the Project fifteen million dollars (\$15,000,000), by Scott Morgan, P.E., Senior Environmental Administrator, of the Local Government, is hereby ratified and approved in all respects.

Section 3. The form, terms, and provisions of the agreement for the Project Loan among the Local Government, the Tennessee Department of Environment and Conservation and the Tennessee Local Development Authority (the "Loan Agreement"), as presented at this meeting, are hereby approved.

Section 4. The Local Government hereby agrees to honor and accept the method of financing as may be determined by the Authority pursuant to the Loan Agreement.

Section 5. The Local Government hereby agrees to make the monthly payments on the Project loan in accordance with the Payment Schedule to be attached to the Loan Agreement.

Section 6. The Local Government hereby agrees to levy fees, rates or charges for services provided by the Project and/or to levy ad valorem taxes sufficient to pay the interest on and principal of the Project loan in accordance with the Loan Agreement. The Local Government also agrees to levy fees, rates, or charges and/or ad valorem taxes sufficient to pay the cost

of operation and maintenance of the wastewater system of which the Project is a part, which cost shall include depreciation and all other debt service expense of the system.

Section 7. The Local Government assigns and pledges its State-Shared Taxes to the State and consents to the withholding and application of State-Shared Taxes in the event of failure by the Local Government to remit monthly payments in accordance with the terms of the Loan Agreement, as the Loan Agreement may be supplemented or amended from time to time.

Section 8. The Local Government hereby agrees that there are no local pledges of State-Shared Taxes other than those disclosed.

Section 9. The Local Government hereby agrees to obtain alternative methods of financing for all costs necessary for the completion of the Project which are in excess of the combined financing provided by any agency of the United States Government and by the Tennessee Local Development Authority.

Section 10. The Senior Environmental Administrator of the Local Government is authorized and directed to execute the Loan Agreement, and any amendments or supplements to the Loan Agreement, in the name and behalf of the Local Government; to deliver such documents to the other parties to such documents, such execution and delivery to be conclusive proof of the approval of the Local Government of such documents; and to take such further action and to execute and deliver such further instruments or documents as such officer may consider necessary or advisable in connection with the Loan Agreement. Provided, however, this resolution shall not be deemed to grant authority to the named officer to approve any increase in the amount of the Project loan.

Section 11. All orders, resolutions, or ordinances in conflict with this resolution are and the same are repealed insofar as such conflict exists. This resolution shall become effective immediately upon its passage.

Duly passed and approved this _____ day of _____, 2020.

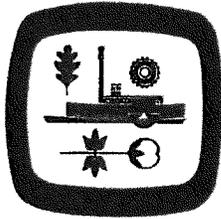
Jim Strickland, Mayor

WITNESS:

(Affix Seal As Appropriate)

(Name and Title)

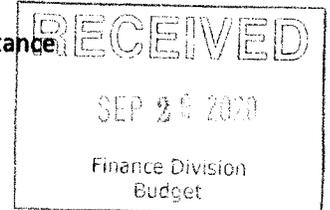
T068



City Council Item Routing Sheet

Division: Public Works Committee: Public Works, Transportation & Gen. Svcs. Hearing Date: 10/20/20

- Ordinance
- Resolution
- Grant Acceptance
- Budget Amendment
- Commendation
- Other:



Item Description: Resolution to transfer and appropriate construction funds to rehabilitate a flood control pump station on North Second Street near Marble Avenue. This project is in Memphis City Council District 7 and Super Council District 9.

Recommended Council Action: Approve.

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: No previous action has been taken.

Does this item require city expenditure? Yes	Source and Amount of Funds
\$1,616,303.00 Amount	\$ Operating Budget
\$ Revenue to be received	\$1,616,303.00 CIP Project #ST03199
	\$ Federal/State/Other

Approvals

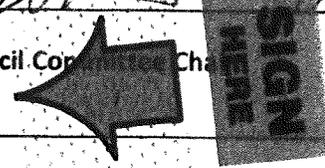
Director *R. K.* Date 9-28-20

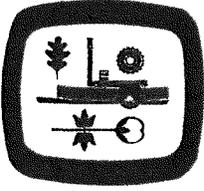
Division Chief _____ Date _____ Chief Operating Officer *[Signature]* Date 9/29/20

Budget Manager *Kamethis Wyatt* Date 10/06/2020

Chief Financial Officer *[Signature]* Date 10/06/2020 Council Com _____ Ch _____

Chief Legal Officer *[Signature]* Date 10/8/2020





Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution to transfer and appropriate funds for Marble Bayou Pump Station Electrical Rehab, project number ST03199 needed to rehabilitate a flood control pump station on North Second Street, near Marble Avenue. Project is in Memphis City Council District 7 and Super Council District 9.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Public Works at the recommendation of the Engineering Department.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

NA

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This project requires a new contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This item requires an expenditure of funds.

6. The MBE Goal for this project is 9% and the WBE goal for this project is 2%.



RESOLUTION

This is a resolution to transfer and appropriate construction funds to rehabilitate a flood control pump station on North Second Street near Marble Avenue funded by Ninety-five percent Storm Water Revenue Bonds and Five percent Sewer Capital PAY-GO.

WHEREAS, the Council of the City of Memphis approved Flood Control – ST Coverline, project number ST03207 and Marble PS Electric Rehab, project number ST03199 as part of the Fiscal Year 2021 Capital Improvement Budget; and

WHEREAS, bids were received on August 26, 2020 to rehabilitate a flood control pump station on North Second Street near Marble Avenue with the lowest complying bid \$1,542,460.00 submitted by Barnes & Brower, Inc.; and

WHEREAS, contract is to be funded by 95% Storm Water Revenue Bonds and 5% Sewer Capital PAY-GO to include 10% project contingencies to rehabilitate the flood control pump station; and

WHEREAS, a Resolution is submitted for approval in the amount of \$80,403.00 for Marble PS Sewer Rehab, project number SW21203 (5% Sewer Capital PAY-GO to include 10% project contingencies) to rehabilitate the flood control pump station; and

WHEREAS, the Council of the City of Memphis approved three million five hundred thousand dollars \$3,500,000.00 Stormwater Capital PayGo for construction, as part of the Public Works Fiscal Year 2021 Capital Improvement Budget; and

WHEREAS, it is necessary for the City of Memphis to amend the Fiscal Year 2021 Capital Improvement Budget to remove one million seven hundred fifty thousand dollars (\$1,750,000.00) Stormwater Capital PayGo for construction and replace it with an allocation and appropriation of one million seven hundred fifty thousand dollars (\$1,750,000.00) Storm Water Revenue Bonds for construction from Flood Control – ST Coverline, project number ST03207; and

WHEREAS, it is necessary to transfer construction allocation funded by Storm Water Revenue Bonds from Flood Control – ST Coverline, project number ST03207 to Marble PS Electric Rehab, project number ST03199 in the amount of \$1,616,303.00 (95% of contract funding plus 10% contingencies); and

WHEREAS, it is necessary to appropriate construction fund amount of \$1,616,303.00 funded by Storm Water Revenue Bonds in Marble PS Electric Rehab, project number ST03199 as follows:

Contract Amount (95%)	\$1,469,366.00
Project Contingencies	<u>\$146,937.00</u>
Total Amount	\$1,616,303.00

NOW, THEREFORE, BE IT RESOLVED, that the FY2021 CIP Budget is amended by removing the amount of \$1,750,000 of Stormwater Capital PayGo Water funding which is being replaced by Storm Water Revenue Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget be and is hereby amended by transferring construction allocation amount of \$1,616,303.00 funded by Storm Water Revenue Bonds from Flood Control – ST Coverline, project number ST03207 to Marble PS Electric Rehab, project number ST03199 to rehabilitate a flood control pump station on North Second Street near Marble Avenue; and

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$1,616,303.00 funded by Storm Water Revenue Bonds chargeable to the FY2021 Capital Improvement Budget and credited as follows:

Project Title:	Marble PS Electric Rehab
Project Number:	ST03199
Amount:	\$1,616,303.00

T069



City Council Item Routing Sheet

Division: Public Works Committee: Public Works, Transportation & Gen. Svcs. Hearing Date: 10/20/20

Ordinance

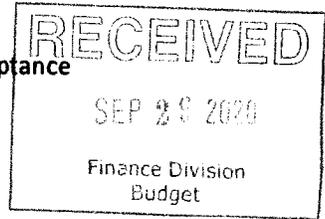
Resolution

Grant Acceptance

Budget Amendment

Commendation

Other:



Item Description: Resolution to transfer and appropriate construction funds to rehabilitate a flood control pump station on North Second Street near Marble Avenue. This project is in Memphis City Council District 7 and Super Council District 9.

Recommended Council Action: Approve.

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: No previous action has been taken.

Does this item require city expenditure? Yes	Source and Amount of Funds
\$80,403.00 Amount	\$ Operating Budget
\$ Revenue to be received	\$80,403.00 CIP Project #SW21203
	\$ Federal/State/Other

Approvals

Director *Re K* Date 9-28-20

Division Chief _____ Date _____

Budget Manager *Gametris Wyatt* Date 10/5/2020

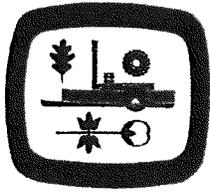
Chief Financial Officer *S. Ross* Date 10/09/2020

Chief Legal Officer *J. Smith* Date 10/1/20

Chief Operating Officer *[Signature]* Date *10/1/20*

Council Committee Chair *[Signature]* Date _____





Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution to transfer and appropriate construction funds for Marble PS Sewer Rehab, project number SW21203 needed to rehabilitate a flood control pump station on North Second Street, near Marble Avenue. Project is in Memphis City Council District 7 and Super Council District 9.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Public Works at the recommendation of the Engineering Department.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

NA

4. State whether this requires a new contract, or amends an existing contract, if applicable.

This project requires a new contract.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This item requires an expenditure of funds.

6. The MBE Goal for this project is 9% and the WBE goal for this project is 2%.



RESOLUTION

This is a resolution to transfer and appropriate construction funds to rehabilitate a flood control pump station on North Second Street near Marble Avenue to be funded by Five percent Sewer and Ninety-five percent Storm Water Revenue Bonds.

WHEREAS, the Council of the City of Memphis approved FY21 Rehab Exist Sewer Cover, project number SW21200 as part of the Fiscal Year 2021 Capital Improvement Budget; and

WHEREAS, bids were received on August 26, 2020 to rehabilitate a flood control pump station on North Second Street near Marble Avenue with the lowest complying bid \$1,542,460.00 submitted by Barnes & Brower, Inc.; and

WHEREAS, contract is to be funded by 95% Storm Water Revenue Bonds and 5% Sewer Capital PAY-GO to include 10% project contingencies to rehabilitate the flood control pump station; and

WHEREAS, a Resolution is submitted for approval in the amount of \$1,616,303 for Marble PS Electric Rehab, project number ST03199 (*95% Storm Water Revenue Bonds to include 10% project contingencies*) to rehabilitate the flood control pump station; and

WHEREAS, it is necessary to transfer construction allocation funded by Sewer Capital PAY-GO from FY21 Rehab Exist Sewer Cover, project number SW21200 to Marble PS Sewer Rehab, project number SW21203 in the amount of \$80,403.00 (*5% of contract funding plus 10% contingencies*); and

WHEREAS, it is necessary to appropriate construction funds in the amount of \$80,403.00 (*5% of contract funding plus 10% contingencies*) in Marble PS Sewer Rehab, project number SW21203 funded by Sewer Capital PAY-GO as follows:

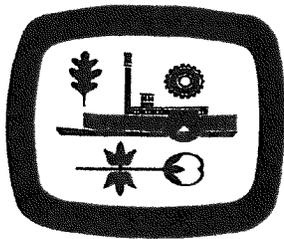
Contract Amount (5%)	\$73,094.00
Project Contingencies	<u>\$7,309.00</u>
Total Amount	\$80,403.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget be and is hereby amended by transferring construction allocation amount of \$80,403.00 funded by Sewer Capital PAY-GO from FY21 Rehab Exist Sewer Cover, project number SW21200 to Marble PS Sewer Rehab, project number SW21203 to rehabilitate a flood control pump station on North Second Street near Marble Avenue; and

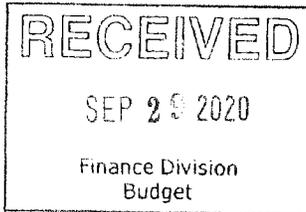
BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$80,403.00 funded by Sewer Capital PAY-GO chargeable to the FY2021 Capital Improvement Budget and credited as follows:

Project Title:	Marble PS Sewer Rehab
Project Number:	SW21203
Amount:	\$80,403.00

T071



City Council Item Routing Sheet



Division Public Works Committee Public Works Hearing Date October 20, 2020

- Ordinance Resolution Grant Acceptance
- Budget Amendment Commendation Other:

Item Description: This is a resolution to remove Capital Pay Go for Architecture & Engineering, allocate and appropriate revenue bond in the amount of \$115,000,000.00 for Architecture & Engineering in Sewer Assessment and Rehab, project number SW05001. ALL Council Districts.

Recommended Council Action: Approve

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: N/A

Does this item require city expenditure? No	Source and Amount of Funds
\$ Amount	\$ Operating Budget
\$ 115,000,000.00 Revenue to be received;	\$ CIP Project # SW05001
	\$ 115,000,000.00 Federal/State/Other

Approvals

Director Rek Date 9-28-20

Division Chief _____ Date _____

Budget Manager Kumetis Wyatt Date 10/5/2020

Chief Financial Officer S. Feld 10/06/2020

City Attorney JFW Date 10/8/20

Chief Operating Officer

Council Committee Chair



Chief Administrative Office

SEP 28 2020



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution to remove Capital Pay Go for Architecture & Engineering, allocate and appropriate revenue bond amount of \$115,000,000.00 for Architecture & Engineering in Sewer Assessment and Rehab, project number SW05001. *(All Council Districts)*

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Initiating Party is the Division of Public Works (Environmental Engineering).

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Not applicable.

4. State whether this requires a new contract, or amends an existing contract, if applicable.

Not applicable.

5. State whether this requires an expenditure of funds/requires a budget amendment.

This resolution requires a budget amendment.



RESOLUTION

A Resolution to remove the FY2021 Capital PAY GO funding source of Thirty Million Dollars (\$30,000,000) and replace it with an allocation and appropriation of One-Hundred Fifteen Million Dollars (\$115,000,000) revenue bond in Sewer Assessment and Rehab project number SW05001.

WHEREAS, the Council of the City of Memphis approved Sewer Assessment and Rehab, project number SW05001, as part of the Public Works Fiscal Year 2021 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis approved a resolution September 01, 2020 authorizing the issuance of not to exceed \$135,000,000 Sanitary Sewerage System Revenue Bond for the City of Memphis, Tennessee for financing the cost of improvements, additions and extensions to the Sanitary Sewerage System of the City of Memphis; and

WHEREAS, the Council of the City of Memphis approved twenty million dollars \$20,000,000.00 Sanitary Sewerage System Revenue Bond for the City of Memphis in Sewer Assessment and Rehab, project number SW05001, as part of the Public Works Fiscal Year 2021 Capital Improvement Budget; and

WHEREAS, it is necessary for the City of Memphis to amend the Fiscal Year 2021 Capital Improvement Budget to establish additional one-hundred fifteen million dollars (\$115,000,000) allocation and appropriation for Architecture and Engineering expenditures in Sewer Assessment and Rehab, project number SW05001 to finance the cost of improvements, additions and extensions to the Sanitary Sewerage System of the City of Memphis; and

WHEREAS, Capital PAY GO for Architecture & Engineering in Sewer Assessment and Rehab, project number SW05001 are not needed because of the Revenue Bond funding.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2021 Capital Improvement Budget be and is hereby amended by establishing an allocation and appropriation of Sanitary Sewerage System Revenue Bond proceeds in the amount of \$115,000,000 for Architecture & Engineering in Sewer Assessment and Rehab, project number SW05001; and

BE IT FURTHER RESOLVED, that the FY2021 CIP Budget is amended by removing the amount of \$30,000,000 of Capital PAY GO funding which is being replaced by revenue bonds.

MINUTES**TELEPHONIC MEETING OF OCTOBER 6, 2020 RECESSED MEETING TO
OCTOBER 20, 2020 MEETING OF THE CITY COUNCIL CITY OF MEMPHIS****OCTOBER 6 , 2020****3:30 P.M. MEETING RECONVENED**

(After the meeting was re-opened for the transaction of business and a quorum was declared present, Vice Chairman Colvett made a motion to adjourn the October 6, 2020 City Council Meeting; this was seconded by Councilman Jones, without objection.)

(Chairwoman Robinson adjourned the October 6, 2020 City Council Meeting being that there wasn't any unfinished business, without objection.)

**CITY OF MEMPHIS
NOTICE OF REGULAR MEETING
OF
THE MEMPHIS CITY COUNCIL
Tuesday, October 6, 2020, 3:30 p.m.**

Due to the declarations of a State of Emergency by the President of the United States, the Governor of Tennessee and the Mayor of Memphis relating to Covid-19 Epidemic the Council has determined that is necessary that the meeting be conducted by electronic or other means of communication in order to protect the health, safety and welfare of the public, City employees, Council staff and Members of the Council.

THERE WILL BE NO PHYSICAL MEETING

Attached to this Notice of Meeting are instructions on how members of the public may electronically access the meeting and/or a recording of the meeting and how the public may provide written comments concerning any agenda item or any other matter prior to the meeting.

ADJOURNED MEETING AT 3:31 P.M.

.....
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records

MINUTES

TELEPHONIC MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

October 20, 2020

3:30 P.M. SCHEDULED SESSION

3:31 P.M. MEETING COMMENCED

ROLL CALL: J. Ford Canale, Chase Carlisle, Frank Colvett, Jr., Michalyn Easter-Thomas, Edmund Ford, Sr., Cheyenne Johnson, Martavius Jones, Rhonda Logan, Worth Morgan, JB Smiley, Jr., Jamita Swearngen, Jeff Warren and Chairwoman Patrice Robinson.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with telephonic prayer by Rev. Dr. Edward Parker Jr. of Berean Missionary Baptist Church. Councilman Jones thanked Dr. Parker for being the Chaplain of the Day.

Chairwoman Robinson asked Councilwoman Johnson to lead the Pledge of Allegiance.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

Approval of the Minutes of the regular meeting of October 6, 2020 with the following motion:

MOTION: Colvett
SECOND: Canale
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Morgan, Smiley, Swearngen, Warren and Chairwoman Robinson
 Logan did not cast a vote

APPROVED

- 5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT PART OF 2939 SOUTH THIRD STREET AND PART OF 2920 NEW HORN LAKE ROAD, CONTAINING 7 ACRES IN THE EMPLOYMENT AND HEAVY INDUSTRIAL DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

CASE NO. SUP 20-12

Held until December 1, 2020

- 34. **ORDINANCE AMENDING CHAPTER 2, ARTICLE I, SECTION 2-10-10, SUBSECTION B, TO REQUIRE THE BOARD OF ETHICS TO ESTABLISH AN ONLINE PORTAL TO REQUIRE LOBBYISTS TO REGISTER ANNUALLY AND TO FILE THEIR STATE MANDATED DISCLOSURE STATEMENTS WITH THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5752 IS SPONSORED BY COUNCILMAN MORGAN AND COUNCILMAN CARLISLE. (HELD FROM 6/16;7/7;7/21; 9/1: 9/15; 10/6)**

Held until November 3, 2020

- 35. **ORDINANCE AMENDING AND RESTATING CHAPTER 25 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES GOVERNING THE CITY PENSION SYSTEM, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5763 IS SPONSORED BY THE ADMINISTRATION.**

Held and sent back to Committee for November 3, 2020

- 1. **RESOLUTION DESIGNATING OCTOBER AS BREAST CANCER AWARENESS MONTH AND RECOGNIZING SUSAN G. KOMEN MEMPHIS MID-SOUTH. THIS RESOLUTION IS SPONSORED BY VICE CHAIRMAN COLVETT.**

MOTION: Colvett
 SECOND: Robinson
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson
 Logan did not cast a vote

APPROVED

- 2. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 590 EAST RAINES ROAD, CONTAINING 0.26 ACRE IN THE COMMERCIAL MIXED USE – 1 DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (HELD FROM 10/6)**

CASE NO. SUP 20-07

(Councilman Colvett made a motion to hold Item #2 - Case No. SUP 20-07 until November 3, 2020; without objection.)

MOTION: Colvett

SECOND: Johnson
AYES: Canale, Carlisle, Colvett, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearngen, Warren and Chairwoman Robinson
Easter-Thomas did not cast a vote

APPROVED

- 3. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 580 BELT LINE STREET, 584 BELT LINE STREET, 579 BOSTON STREET, 2638 SOUTHERN AVENUE AND 2650 SOUTHERN AVENUE, CONTAINING 0.9 ACRE IN THE COMMERCIAL MIXED USE – 1 AND RESIDENTIAL URBAN – 1 DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (HELD FROM 10/6)**

CASE NO. SUP 20-08

Applicants: Ameen Ozrail and Ziad Ozra
Tim McCaskill of McCaskill and Associates – Representative

Request: Special use permit for a convenience store with gas sales

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Warren
SECOND: Colvett
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Morgan, Smiley, Swearngen, Warren and Chairwoman Robinson
NAY: Jones

APPROVED

- 4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 3169 KIRBY PARKWAY- PARCEL ID # 093200 00221 CONTAINING +/- 9.61 ACRES IN THE RESIDENTIAL URBAN – 3 (RU-3) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

CASE NO. SUP 20-11

Applicant: TV6 Argus Towers, LLC (Towers Ventures)
Lou Katzerman, Tower Ventures – Representative

Request: To allow a 160-foot Monopole Communications (CMCS) Tower

LUCB and OPD recommendation; APPROVAL, with conditions

MOTION: Colvett
SECOND: Warren
AYES: Canale, Carlisle, Colvett, Ford, Johnson, Jones, Logan, Morgan, Swearngen, Warren and Chairwoman Robinson

Easter-Thomas and Smiley did not cast a vote

APPROVED

- 6. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED WEST OF POND STREET AND +/-170 FEET SOUTH OF EAST MCLEMORE AVENUE, CONTAINING +/- 1,591 SQUARE FEET IN THE RESIDENTIAL SINGLE-FAMILY – 6 (R-6) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT.**

CASE NO. SAC 20-17

Applicant: Covenant Restoring Ministries
Construction Code Consultants – Evelyn Royston – Representative

Request: Close and vacate a portion of public right-of-way that is part of an east-west public alley

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Colvett

SECOND: Warren

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Swearingen, Warren and Chairwoman Robinson
Smiley did not cast a vote

APPROVED

- 7. **ORDINANCE REZONING 580 AND 584 BELT LINE STREET, CONTAINING 0.2 ACRES LOCATED IN THE RESIDENTIAL URBAN – 1 DISTRICT, UP FOR T H I R D AND F I N A L READING. THIS ORDINANCE IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (HELD FROM 10/6)**

CASE NO. Z 20-08
ORDINANCE NO. 5762

Applicant: Ameen Ozrail and Ziad Ozrail
Tim McCaskill and Associates, Inc. – (Representative)

Request: Commercial Mixed Use – 1

LUCB and OPD recommendation: APPROVAL

MOTION: Colvett

SECOND: Warren

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson

APPROVED

CONSENT AGENDA – Items #8 - #13 may be acted upon by one motion: See Page 5727 for Roll Call Consent Items.

8. **ORDINANCE AMENDING CHAPTER 12 OF THE CITY OF MEMPHIS CODE OF ORDINANCES, SO AS TO UPDATE THE CODE OF ORDINANCES RELATED TO SIDEWALKS, UP FOR F I R S T READING. ORDINANCE NO. 5764 IS SPONSORED BY COUNCILWOMAN EASTER-THOMAS.**

APPROVED, on First reading

9. **RESOLUTION ACCEPTING OPEN ARMS CARE MOSAIC SUBDIVISION. LOTS 1 & 2 AND AUTHORIZING RELEASE OF THE BOND.**

Resolution approves accepting the public improvements with the City of Memphis as shown on the engineering plans located on the east of Reese Road and Kate Bond intersection on the southeast side of Reese Road in the City of Memphis, Tennessee. Resolution also authorizes the release of the Bancorp South Bank Letter of Credit No. 161000986028 in the amount of \$76,100.00 held as security for the standard improvement contract.

APPROVED

10. **RESOLUTION ACCEPTING OPEN ARMS CARE SUBDIVISION, LOTS 2 & 3 (OLD DEXTER ROAD) AND AUTHORIZING RELEASE OF BOND.**

Resolution approves accepting the public improvements with the City of Memphis as shown on the engineering plans located on the northeast corner of Old Dexter Road and Dexter Lane in the City of Memphis, Tennessee. Resolution also authorizes the release of Performance Bond No. SU1155093 in the amount of \$82,500.00 held as security for the standard improvement contract.

APPROVED

11. **RESOLUTION ACCEPTING THE OAKS AT DEXTER PD (PD-04-332) AND AUTHORIZING RELEASE OF THE BOND.**

Resolution approves accepting the public improvements with the City of Memphis as shown on the final plat located on the south of Dexter Road, west of Germantown Parkway in the City of Memphis, Tennessee. Resolution also authorizes the release of Performance Bond No. 104145537 in the amount of \$79,200.00 held as security for the standard improvement contract.

City Engineer recommends approval

APPROVED

12. **RESOLUTION APPROVING THE ENGINEERING PLANS AEROTROPOLIS PD, PHASE 2, RDX AMERICAN WAY FACILITY.**

CASE NO. CR-5341

Resolution approves the engineering plans located at 4590 & 4594 American Way, approximately 850 linear feet southwest of the S. Perkins Road intersection in City of Memphis, Tennessee. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract and accept Performance Bond No. 5424252 in the amount of \$110,800.00 on behalf of the City of Memphis.

City Engineer recommends approval

APPROVED

13. **RESOLUTION APPROVING THE ENGINEERING PLANS TPA GROUP WAREHOUSE-HOLMES & AIRWAYS PROJECT.**

CASE NO. CR-5342

Resolution approves the engineering plans located on the southeast corner lot in the Holmes Road and Airways Boulevard intersection in the City of Memphis, Tennessee. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract and accept Performance Bond No. US00100628SU20A in the amount of \$230,000.00 on behalf of the City of Memphis.

City Engineer recommends approval

(Councilman Colvett requested Same Night Minutes for Item #13 – Case No. CR-5342; without objection.)

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Canale
 SECOND: Warren
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson

APPROVED

FISCAL CONSENT AGENDA – Items #14 - #16 may be acted upon by one motion:

14. **RESOLUTION TO ACCEPT, ALLOCATE AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$33,964.00 FOR PROFESSIONAL FEES GRANTS & AWARDS FROM THE**

UNITED WAY OF GREATER NASHVILLE FOR THE MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER'S LINC211 SNAP OUTREACH. THIS RESOLUTION IS SPONSORED BY LIBRARY SERVICES. (REQUEST FOR SAME NIGHT MINUTES)

APPROVED

15. **RESOLUTION TO ACCEPT A DONATION OF A TRASH DUMPSTER AWARDED TO THE MEMPHIS POLICE DIVISION ESTIMATED VALUE OF \$150.00 FROM REPUBLIC SERVICES. THIS RESOLUTION IS SPONSORED BY MPD. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

16. **RESOLUTION TO ACCEPT A DONATION IN THE AMOUNT OF \$500.00 FROM 901 PARKINSON'S FIGHTERS TO THE MEMPHIS POLICE DIVISION TO BE USED TO FUND MPD BOXING GYM OPERATIONAL ACTIVITIES. THIS RESOLUTION IS SPONSORED BY MPD. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

ROLL CALL FISCAL CONSENT ITEMS

MOTION: Colvett

SECOND: Canale

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson

APPROVED

MLGW FISCAL CONSENT AGENDA – Items #17 - #32 may be acted upon by one motion:

17. **RESOLUTION AWARDED A PURCHASE ORDER TO PANAYA, INC. FOR SOFTWARE AS A SERVICE (SAAS) SOFTWARE UPGRADE, IN THE FUNDED AMOUNT OF \$60,000.00.**

APPROVED

18. **RESOLUTION AWARDED THE APPROVAL OF CHANGE NO. 2 TO CONTRACT NO. 11966, MLGW NETWORK UPGRADE AND ENHANCEMENT WITH CONVERGE ONE, INCORPORATED (FORMERLY VENTURE TECHNOLOGIES, INCORPORATED), IN THE FUNDED AMOUNT OF \$577,285.29. (THIS CHANGE IS TO RATIFY AND RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING SEPTEMBER 27, 2020 THROUGH SEPTEMBER 26, 2021 WITH A DECREASE IN RATES FROM THE PREVIOUS TERM. THIS DECREASE IN RATES IS DUE TO LESS EQUIPMENT BEING REPLACED IN THE CONTRACT TERM.)**

APPROVED

- 19. **RESOLUTION AWARDDING CONTRACT NO. 12168, EXTERNAL AUDITING SERVICES TO CLIFTON LARSON ALLEN, LLP, IN THE FUNDED AMOUNT OF \$889,200.00.**

APPROVED

- 20. **RESOLUTION AWARDDING CONTRACT NO. 12151, LINE CLEARANCE MINOR TO ABC PROFESSIONAL TREE SERVICES, INCORPORATED, IN THE FUNDED AMOUNT OF \$30,040,152.24.**

APPROVED

- 21. **RESOLUTION AWARDDING CONTRACT NO. 12180, ENGINEERING SERVICES FOR WATER ENGINEERING TO HDR ENGINEERING, INC., IN THE FUNDED AMOUNT NOT-TO-EXCEED \$1,500,000.00.**

APPROVED

- 22. **RESOLUTION AWARDDING CONTRACT NO.12213, ABB TROPOS MAINTENANCE SERVICES TO HITACHI ABB POWER GRIDS IN THE FUNDED NOT-TO-EXCEED AMOUNT OF \$1,000,000.00.**

APPROVED

- 23. **RESOLUTION AWARDDING CONTRACT NO.12137, FIBER MANAGEMENT AND MONITORING SYSTEM TO TOP ENGINEERING PLUS, IN THE FUNDED AMOUNT NOT-TO-EXCEED \$216,837.50.**

APPROVED

- 24. **RESOLUTION AWARDDING A PURCHASE ORDER TO AUTOMOTIVE TOOL GROUP FOR THE PURCHASE OF LAPTOP DIAGNOSTIC TOOLS, IN THE FUNDED AMOUNT OF \$57,314.61.**

APPROVED

- 25. **RESOLUTION AWARDDING A PURCHASE ORDER TO BRIGHTER DAYS AND NITES, INC. FOR 12" COATED STEEL PIPE AND 12" CARBON STEEL BALL VALVES, IN THE AMOUNT OF \$219,422.00.**

APPROVED

26. **RESOLUTION AWARDING A PURCHASE ORDER TO GRAY MANUFACTURING COMPANY, INC. FOR THE PURCHASE OF A MOBILE VEHICLE LIFT, IN THE FUNDED AMOUNT OF \$109,232.00.**

APPROVED

27. **RESOLUTION AWARDING PURCHASE ORDERS TO AUTONATION FORD MEMPHIS IN THE FUNDED AMOUNT OF \$22,617.96 AND MHC FORD MEMPHIS IN THE FUNDED AMOUNT OF \$51,801.00 FOR THE PURCHASE OF LIGHT DUTY VANS.**

APPROVED

28. **RESOLUTION AWARDING A PURCHASE ORDER TO BRIGHTER DAYS AND NITES, INC. FOR AUTOMATED AND CONTROL SWITCHES, IN THE AMOUNT OF \$1,040,750.00.**

APPROVED

29. **RESOLUTION AWARDING CONTRACT NO. 12172, NETWORK VIDEO RECORDING SYSTEMS REPLACEMENTS TO G4S SECURE INTEGRATION, LLC, IN THE FUNDED AMOUNT OF \$674,043.58.**

APPROVED

30. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12091, JANITORIAL SERVICES WITH SKB FACILITIES AND MAINTENANCE IN THE FUNDED AMOUNT OF \$760,661.30. (THIS CHANGE IS TO RATIFY AND EXPAND THE SCOPE TO INCLUDE SEVEN FULL-TIME SUPPLEMENTAL DAY WORKERS TO PROVIDE DISINFECTING SERVICES DUE TO THE COVID-19 PANDEMIC, FOR THE PERIOD COVERING APRIL 1, 2020 THROUGH FEBRUARY 22, 2021 IN THE AMOUNT OF \$165,432.10. THIS CHANGE IS ALSO TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING FEBRUARY 23, 2021 THROUGH FEBRUARY 22, 2022 IN THE FUNDED AMOUNT OF \$595,229.20, WITH NO INCREASE IN RATES FROM THE INITIAL TERM.)**

APPROVED

31. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11855, JANITORIAL SERVICES WITH SKB FACILITIES AND MAINTENANCE, IN THE FUNDED AMOUNT OF \$298,046.64. (THIS CHANGE IS TO RATIFY AND EXPAND THE SCOPE TO INCLUDE THREE FULL-TIME SUPPLEMENTAL DAY WORKERS TO PROVIDE DISINFECTING SERVICES DUE TO THE COVID-19 PANDEMIC, FOR THE PERIOD COVERING APRIL 1, 2020 THROUGH MARCH 1, 2021 IN THE AMOUNT OF \$70,792.80. THIS CHANGE IS ALSO TO RENEW THE CURRENT**

CONTRACT FOR THE FOURTH AND FINAL ANNUAL RENEWAL TERM FOR THE PERIOD COVERING MARCH 2, 2021 THROUGH MARCH 1, 2022 IN THE FUNDED AMOUNT OF \$227,253.84, WITH NO INCREASE IN RATES FROM THE PREVIOUS TERM.)

APPROVED

32. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11894, GROUNDS MAINTENANCE - WELL LOTS WITH TURF DOCTORS L&LM, LLC, IN THE FUNDED AMOUNT OF \$69,441.40. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FOURTH AND FINAL ANNUAL RENEWAL TERM FOR THE PERIOD COVERING MAY 17, 2021 THROUGH MAY 16, 2022, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Morgan
 SECOND: Carlisle
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swarengen, Warren and Chairwoman Robinson

APPROVED

42. **RESOLUTION REQUIRING MWBE REPORTS ON ALL FISCAL-BASED REQUESTS SEEKING APPROVAL BY THE MEMPHIS CITY COUNCIL. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN EASTER-THOMAS, COUNCILWOMAN JOHNSON, COUNCILWOMAN LOGAN, COUNCILWOMAN ROBINSON, COUNCILWOMAN SWEARENGEN, COUNCILMAN COLVETT, COUNCILMAN FORD, COUNCILMAN JONES AND COUNCILMAN WARREN. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Ford
 SECOND: Easter-Thomas
 AYES: Ford, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Smiley, Swarengen, Warren and Chairwoman Robinson
 Morgan abstained

APPROVED

43. **RESOLUTION REGARDING RESIDENCY OF APPLICANTS FOR THE COUNCIL EMERGENCY RELIEF PROGRAM (CERP) ADMINISTRATION BY THE OFFICE OF BUSINESS DIVERSITY & COMPLIANCE. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Jones
 SECOND: Warren
 AYES: Ford, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Smiley,
 Swearingen, Warren and Chairwoman Robinson
 NAY: Morgan

APPROVED

44. **RESOLUTION TO AMEND THE FISCAL YEAR 2021 GENERAL FUND BUDGET IN THE AMOUNT OF \$170,000.00 FOR THE FAMILY SAFETY CENTER. THIS RESOLUTION IS SPONSORED BY COUNCILMAN CARLISLE, COUNCILMAN CANALE, COUNCILMAN COLVETT, COUNCILMAN FORD, COUNCILMAN WARREN, COUNCILMAN JONES AND CHAIRWOMAN ROBINSON. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Jones
 SECOND: Warren
 AYES: Ford, Carlisle, Colvett, Easter-Thomas, Ford, Jones, Logan, Morgan, Smiley,
 Swearingen, Warren and Chairwoman Robinson
 Johnson abstained

APPROVED

45. **RESOLUTION ENCOURAGING ALL REGISTERED VOTERS IN THE CITY OF MEMPHIS AND SHELBY COUNTY TO VOTE IN THE 2020 GENERAL ELECTION. THIS RESOLUTION IS SPONSORED BY COUNCILMAN CANALE, COUNCILMAN COLVETT, COUNCILWOMAN EASTER-THOMAS, COUNCILMAN FORD, COUNCILWOMAN JOHNSON, COUNCILMAN JONES, COUNCILWOMAN LOGAN, COUNCILMAN SMILEY, COUNCILWOMAN SWEARENGEN, COUNCILMAN WARREN AND CHAIRWOMAN ROBINSON. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Colvett
 SECOND: Canale
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley,
 Swearingen, Warren and Chairwoman Robinson

APPROVED

33. **APPOINTMENTS**

MEMPHIS CIVIL SERVICE COMMISSION

Appointments

MARK ALLEN

ROBERT L. MEBANE
JOHN B. TURNER, JR.
LATANYIA S. WALKER

MEMPHIS LANDMARKS COMMISSION

Appointments

JOYCE SELINA LOVE
MARGOT FERSTER PAYNE

MEMPHIS AND SHELBY COUNTY BUILDING CODE ADVISORY BOARD

Appointments

IAN C. ENGSTROM
CARTER HORD
ANDRE D. JONES

MOTION: Carlisle
SECOND: Warren
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swarengen, Warren and Chairwoman Robinson

APPROVED

- 36. **RESOLUTION AMENDING THE FY2021 CIP BUDGET BY ACCEPTING CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANT FUNDS AND ESTABLISHING FUNDING FOR THE COVINGTON PIKE SIGNAL SYSTEM PROJECT (EN01106), IN THE AMOUNT OF \$3,250,000.00. THIS RESOLUTION IS SPONSORED BY ENGINEERING DIVISION.**

MOTION: Smiley
SECOND: Carlisle
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swarengen, Warren and Chairwoman Robinson

APPROVED

- 37. **RESOLUTION REQUESTING THE APPROPRIATION OF FUNDS ALLOCATED IN FY21 TO FS02011, FIRE STATION 43 IN THE AMOUNT OF \$103,128.88 FOR INFORMATION TECHNOLOGY FUNDED BY G.O. BONDS. THIS RESOLUTION IS SPONSORED BY FIRE SERVICES.**

MOTION: Swarengen
SECOND: Colvett
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley,

Swearengen, Warren and Chairwoman Robinson

APPROVED

38. **RESOLUTION ACCEPTING AND APPROPRIATING 2019 FIRE PREVENTION AND SAFETY GRANT PROGRAM FUNDS FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$38,011.43 TO BE USED TO TRAIN FIRE PERSONNEL TO THE TN STATE CERTIFIED FIRE INVESTIGATOR 1 LEVEL. THIS RESOLUTION IS SPONSORED BY FIRE SERVICES.**

MOTION: Swearengen

SECOND: Colvett

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearengen, Warren and Chairwoman Robinson

APPROVED

39. **RESOLUTION TRANSFERRING AN ALLOCATION OF \$185,000.00 FROM FS21100 FY21 FIRE STATION IMPROVEMENT COVER TO FS02034 SECURITY CAMERAS. THIS RESOLUTION IS SPONSORED BY FIRE SERVICES.**

MOTION: Swearengen

SECOND: Johnson

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearengen, Warren and Chairwoman Robinson

APPROVED

40. **RESOLUTION ESTABLISHING A REPAIR AND INFRASTRUCTURE RESTORATION PROJECT FOR THE BEALE STREET ENTERTAINMENT DISTRICT UNIT (EDU) POLICE STATION, IN THE AMOUNT OF \$100,000.00. THIS RESOLUTION IS SPONSORED BY GENERAL SERVICES DIVISION.**

MOTION: Smiley

SECOND: Colvett

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearengen, Warren and Chairwoman Robinson

APPROVED

41. **RESOLUTION TO AMEND THE FY2021 OPERATING BUDGET TO ACCEPT A REIMBURSEMENT IN THE AMOUNT NOT TO EXCEED \$22,000.00 FROM THE FBI FOR EXPENDITURES BY MPD HOMICIDE VIOLENT CRIME UNIT. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES.**

MOTION: Swearengen

SECOND: Warren

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swarengen, Warren and Chairwoman Robinson

APPROVED

(Special Item #1 – Vice Chairman Colvett made a motion to approve same night minutes for Items #13 - #16 & Items #42 - #45 from tonight’s meeting.)

MOTION: Colvett

SECOND: Warren

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swarengen, Warren and Chairwoman Robinson

APPROVED

Vice Chairman Colvett read the comment cards from the following people:

Joe Kent, 5111 Flamingo Rd., Memphis, Tennessee, 38117

Beverly Harbin, 4748 New Allen Rd., Memphis, Tennessee, 38128

(Councilman Colvett made a motion to recess the October 20, 2020 meeting. This was seconded by Councilman Warren.)

RECESSED MEETING AT 4:50 P.M.

.....
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records

**CITY OF MEMPHIS
NOTICE OF REGULAR MEETING
OF
THE MEMPHIS CITY COUNCIL
Tuesday, October 20, 2020, 3:30 p.m.**

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THERE WILL BE NO PHYSICAL MEETING

Attached to this Notice of Meeting are instructions on how members of the public may electronically access the meeting and/or a recording of the meeting and how the public may provide written comments concerning any agenda item or any other matter prior to the meeting.

INSTRUCTIONS OF STEPS TO VIEW THE October 20, 2020 MEMPHIS CITY COUNCIL MEETING

Take notice, the Memphis City Council will meet on **Tuesday, October 20, 2020 at 9:00 a.m.** However, due to Coronavirus disease (COVID-19) health and safety concerns, the public is not permitted to attend the meeting in-person. Instead, the public is permitted to participate in the meeting in the following manner: (I) Electronically, via live-stream, (II) Radio, via 88.5 FM (WQOX), and (III) Electronically, via digital archive.

A. Electronically, via live-stream

To view the Tuesday, October 20, 2020 Memphis City Council meeting electronically, via live-stream, follow the steps below:

- (1) Access the internet,
- (2) Go to the Memphis City Council's "Watch Meetings Online" page at <https://www.memphistn.gov/cms/One.aspx?portalID=11150816&pageID=15334953>
- (3) At 9:00 a.m., click on the October 20, 2020 Memphis City Council meeting
- (4) Begin viewing the October 20, 2020 Memphis City Council meeting electronically via live-stream
- (5) Click on the October 20, 2020 "Agenda" tab to view the agenda documents

B. Radio, via 88.5 FM (WQOX)

To listen to the Tuesday, October 20, 2020 Memphis City Council meeting by radio, via 88.5 FM (WQOX), follow the steps below:

- (1) Access a radio with FM-capabilities,
- (2) At 3:30 p.m., turn the radio dial to 88.5 FM (WQOX),
- (3) Begin listening to the October 20, 2020 Memphis City Council meeting by radio via 88.5 FM (WQOX)

C. Electronically, via digital archive

To listen to the Tuesday, October 20, 2020 Memphis City Council meeting electronically, via digital archive, follow the steps below:

- (1) Access the internet **after** the October 20, 2020 Memphis City Council meeting,
- (2) Go to the Memphis City Council's "Archived Videos" page at https://www.memphistn.gov/government/city_council/watch_public_meetings_online/city_council_archived_videos
- (3) Press play on the October 20, 2020 "City Council Full Meeting" tab
- (4) Begin viewing the October 20, 2020 Memphis City Council meeting electronically via digital archive
- (5) Click on the October 20, 2020 "Agenda" tab to view the agenda documents
- (6) Click on the October 20, 2020 "Minutes" tab to view the meeting minutes

Note: Public comments may be submitted to the Memphis City Council twenty-four (24) hours prior to the October 20, 2020 meeting. To submit your public comment, please email Patrice.robinson@memphistn.gov with your (a) full name, (b) full street address, (c) phone number, (d) agenda item, if applicable, and (e) comment. For more information, please call (901) 636-6786.

Thank you for your patience during this time. We look forward to continuing our work on your behalf as a thirteen-member council working to make Memphis a safe, healthy, and prosperous city for all!

With earnest appreciation,



**Patrice Jordan Robinson
Chairwoman, Memphis City Council**